

Bill No. CS/CS/HB 271, 1st Eng.

Amendment No. ____

| | <u>Senate</u> | CHAMBER ACTION | <u>House</u> |
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| 11 | Senator Dudley moved the following amendment to amendment | | |
| 12 | (064122): | | |
| 13 | | | |
| 14 | Senate Amendment (with title amendment) | | |
| 15 | On page 6, line 10, delete those lines | | |
| 16 | | | |
| 17 | and insert: | | |
| 18 | Section 7. Paragraph (b) of subsection (1) and | | |
| 19 | paragraph (c) of subsection (9) of section 61.13, Florida | | |
| 20 | Statutes, are amended to read: | | |
| 21 | 61.13 Custody and support of children; visitation | | |
| 22 | rights; power of court in making orders.-- | | |
| 23 | (1) | | |
| 24 | (b) Each order for child support shall contain a | | |
| 25 | provision for health insurance for the minor child when the | | |
| 26 | insurance is reasonably available. Insurance is reasonably | | |
| 27 | available if either the obligor or obligee has access at a | | |
| 28 | reasonable rate to group insurance. The court may require the | | |
| 29 | obligor either to provide health insurance coverage or to | | |
| 30 | reimburse the obligee for the cost of health insurance | | |
| 31 | coverage for the minor child when coverage is provided by the | | |

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1 obligee. In either event, the court shall apportion the cost
 2 of coverage, and any noncovered medical, dental, and
 3 prescription medication expenses of the child, to both parties
 4 by adding the cost to the basic obligation determined pursuant
 5 to s. 61.30(6). The court may order that payment of uncovered
 6 medical, dental, and prescription medication expenses of the
 7 minor child be made directly to the payee on a percentage
 8 basis.

9 (9)

10 (c) Beginning July 1, 1997, in any subsequent Title
 11 IV-D child support enforcement action between the parties,
 12 upon sufficient showing that diligent effort has been made to
 13 ascertain the location of such a party, the court of competent
 14 jurisdiction shall ~~the tribunal may~~ deem state due process
 15 requirements for notice and service of process to be met with
 16 respect to the party, upon delivery of written notice to the
 17 most recent residential or employer address filed with the
 18 tribunal and State Case Registry pursuant to paragraph (a).
 19 Beginning October 1, 1998, in any subsequent non-Title IV-D
 20 child support enforcement action between the parties, the same
 21 requirements for service shall apply.

22 Section 8. Section 61.1301, Florida Statutes, is
 23 amended to read:

24 61.1301 Income deduction orders.--

25 (1) ISSUANCE IN CONJUNCTION WITH ~~REQUIREMENT FOR~~
 26 ~~INCOME DEDUCTION AS PART OF~~ AN ORDER ESTABLISHING, ENFORCING,
 27 OR MODIFYING AN OBLIGATION FOR ALIMONY OR CHILD SUPPORT.--

28 (a) Upon the entry of an order establishing,
 29 enforcing, or modifying an obligation for alimony, for child
 30 support, or for alimony and child support, other than a
 31 temporary order, the court shall enter a separate order

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1 ~~include provisions~~ for income deduction if one has not been
2 entered of the alimony and/or child support in the order.
3 Copies of the orders shall be served on the obligee and
4 obligor. If the order establishing, enforcing, or modifying
5 the obligation directs ~~shall direct~~ that payments be made
6 through the depository, ~~the court shall provide to the~~
7 depository a copy of the order establishing, enforcing, or
8 modifying the obligation. If the obligee is a recipient of
9 Title IV-D services applicant, the court shall furnish to the
10 Title IV-D agency a copy of the income deduction order and the
11 order establishing, enforcing, or modifying the obligation.

12 1. The obligee or, in Title IV-D cases, the Title IV-D
13 agency may implement income deduction after receiving a copy
14 of an order from the court under this paragraph or a
15 forwarding agency under UIFSA, URESA, or RURESА by issuing an
16 income deduction notice to the payor.

17 2. The income deduction notice must state that it is
18 based upon a valid support order and that it contains an
19 income deduction requirement or upon a separate income
20 deduction order. The income deduction notice must contain the
21 notice to payor provisions specified by paragraph (2)(e). The
22 income deduction notice must contain the following information
23 from the income deduction order upon which the notice is
24 based: the case number, the court that entered the order, and
25 the date entered.

26 3. Payors shall deduct support payments from income,
27 as specified in the income deduction notice, in the manner
28 provided under paragraph (2)(e).

29 4. In non-Title IV-D cases, the income deduction
30 notice must be accompanied by a copy of the support order upon
31 which the notice is based. In Title IV-D cases, upon request

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1 of a payor, the Title IV-D agency shall furnish the payor a
2 copy of the income deduction order.~~The income deduction shall~~
3 ~~be implemented by serving an income deduction notice upon the~~
4 ~~payor.~~

5 5.2. If a support order entered before January 1,
6 1994, October 1, 1996, in a non-Title IV-D case does not
7 specify income deduction, income deduction may be initiated
8 upon a delinquency without the need for any amendment to the
9 support order or any further action by the court. In such
10 case the obligee may implement income deduction by serving a
11 notice of delinquency on the obligor as provided for under
12 paragraph (f).

13 (b) ~~Provisions for income deduction.~~The income
14 deduction order ~~entered pursuant to paragraph (a)~~ shall:

15 1. Direct a payor to deduct from all income due and
16 payable to an obligor the amount required by the court to meet
17 the obligor's support obligation including any attorney's fees
18 or costs owed and forward the deducted amount pursuant to the
19 order.

20 2. State the amount of arrearage owed, if any, and
21 direct a payor to withhold an additional 20 percent or more of
22 the periodic amount specified in the order establishing,
23 enforcing, or modifying the obligation, until full payment is
24 made of any arrearage, attorney's fees and costs owed,
25 provided no deduction shall be applied to attorney's fees and
26 costs until the full amount of any arrearage is paid;

27 3. Direct a payor not to deduct in excess of the
28 amounts allowed under s. 303(b) of the Consumer Credit
29 Protection Act, 15 U.S.C. s. 1673(b), as amended;

30 4. Direct whether a payor shall deduct all, a
31 specified portion, or no income which is paid in the form of a

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1 bonus or other similar one-time payment, up to the amount of
2 arrearage reported in the income deduction notice or the
3 remaining balance thereof, and forward the payment to the
4 governmental depository. For purposes of this subparagraph,
5 "bonus" means a payment in addition to an obligor's usual
6 compensation and which is in addition to any amounts
7 contracted for or otherwise legally due and shall not include
8 any commission payments due an obligor; and

9 5. In Title IV-D cases, direct a payor to provide to
10 the court depository the date on which each deduction is made.

11 (c) The income deduction order is effective
12 immediately unless the court upon good cause shown finds that
13 the income deduction order shall be effective upon a
14 delinquency in an amount specified by the court but not to
15 exceed 1 month's payment, pursuant to the order establishing,
16 enforcing, or modifying the obligation. In order to find good
17 cause, the court must at a minimum make written findings that:

18 1. Explain why implementing immediate income deduction
19 would not be in the child's best interest;

20 2. There is proof of timely payment of the previously
21 ordered obligation without an income deduction order in cases
22 of modification; and

23 3.a. There is an agreement by the obligor to advise
24 the IV-D agency and court depository of any change in payor
25 and health insurance; or

26 b. There is a signed written agreement providing an
27 alternative arrangement between the obligor and the obligee
28 and, at the option of the IV-D agency, by the IV-D agency in
29 IV-D cases in which there is an assignment of support rights
30 to the state, reviewed and entered in the record by the court.

31 (d) The income deduction order shall be effective as

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1 long as the order upon which it is based is effective or until
2 further order of the court.

3 (e) Statement of obligor's rights. When the court
4 orders the income deduction to be effective immediately, the
5 court shall furnish to the obligor a statement of his or her
6 rights, remedies, and duties in regard to the income deduction
7 order. The statement shall state:

8 1. All fees or interest which shall be imposed.

9 2. The total amount of income to be deducted for each
10 pay period until the arrearage, if any, is paid in full and
11 shall state the total amount of income to be deducted for each
12 pay period thereafter. The amounts deducted may not be in
13 excess of that allowed under s. 303(b) of the Consumer Credit
14 Protection Act, 15 U.S.C. s. 1673(b), as amended.

15 3. That the income deduction order ~~notice~~ applies to
16 current and subsequent payors and periods of employment.

17 4. That a copy of the income deduction order or, in
18 Title IV-D cases, the income deduction notice will be served
19 on the obligor's payor or payors.

20 5. That enforcement of the income deduction order
21 ~~notice~~ may only be contested on the ground of mistake of fact
22 regarding the amount owed pursuant to the order establishing,
23 enforcing, or modifying the obligation, the arrearages, or the
24 identity of the obligor, the payor, or the obligee.

25 6. That the obligor is required to notify the obligee
26 and, when the obligee is receiving IV-D services, the IV-D
27 agency within 7 days of changes in the obligor's address,
28 payors, and the addresses of his or her payors.

29 (f) Notice of delinquency. If a support order was
30 entered before January 1, 1994, or ~~when~~ the court orders the
31 income deduction to be effective upon a delinquency as

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1 provided in ~~subparagraph (a)2.~~ or paragraph (c), the obligee
2 or, in Title IV-D cases, the Title IV-D agency may enforce the
3 income deduction by serving a notice of delinquency on the
4 obligor under this subsection.

5 1. The notice of delinquency shall state:

6 a. The terms of the order establishing, enforcing, or
7 modifying the obligation.

8 b. The period of delinquency and the total amount of
9 the delinquency as of the date the notice is mailed.

10 c. All fees or interest which may be imposed.

11 d. The total amount of income to be deducted for each
12 pay period until the arrearage, and all applicable fees and
13 interest, is paid in full and shall state the total amount of
14 income to be deducted for each pay period thereafter. The
15 amounts deducted may not be in excess of that allowed under s.
16 303(b) of the Consumer Credit Protection Act, 15 U.S.C. s.
17 1673(b), as amended.

18 e. That the income deduction order ~~notice~~ applies to
19 current and subsequent payors and periods of employment.

20 f. That a copy of the notice of delinquency will be
21 served on the obligor's payor or payors, together with a copy
22 of the income deduction order or, in Title IV-D cases, the
23 income deduction notice, unless the obligor applies to the
24 court to contest enforcement of the income deduction. The
25 application shall be filed within 15 days after the date the
26 notice of delinquency was served.

27 g. That enforcement of the income deduction order
28 ~~notice~~ may only be contested on the ground of mistake of fact
29 regarding the amount owed pursuant to the order establishing,
30 enforcing, or modifying the obligation, the amount of
31 arrearages, or the identity of the obligor, the payor, or the

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1 obligee.

2 h. That the obligor is required to notify the obligee
3 of the obligor's current address and current payors and of the
4 address of current payors. All changes shall be reported by
5 the obligor within 7 days. If the IV-D agency is enforcing
6 the order, the obligor shall make these notifications to the
7 agency instead of to the obligee.

8 2. The failure of the obligor to receive the notice of
9 delinquency does not preclude subsequent service of the income
10 deduction order or, in Title IV-D cases, the income deduction
11 notice on the obligor's payor. A notice of delinquency which
12 fails to state an arrearage does not mean that an arrearage is
13 not owed.

14 (g) At any time, any party, including the IV-D agency,
15 may apply to the court to:

16 1. Modify, suspend, or terminate the income deduction
17 order notice in accordance with a modification, suspension, or
18 termination of the support provisions in the underlying order;
19 or

20 2. Modify the amount of income deducted when the
21 arrearage has been paid.

22 (2) ENFORCEMENT OF INCOME DEDUCTION ORDERS.--

23 (a) The obligee or his or her agent shall serve an
24 income deduction order and notice to payor, or, in Title IV-D
25 cases, the Title IV-D agency shall issue an income deduction
26 notice, and in the case of a delinquency a notice of
27 delinquency, on the obligor's payor unless the obligor has
28 applied for a hearing to contest the enforcement of the income
29 deduction pursuant to paragraph (c).

30 (b)1. Service by or upon any person who is a party to
31 a proceeding under this section shall be made in the manner

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1 prescribed in the Florida Rules of Civil Procedure for service
2 upon parties.

3 2. Service upon an obligor's payor or successor payor
4 under this section shall be made by prepaid certified mail,
5 return receipt requested, or in the manner prescribed in
6 chapter 48.

7 (c)1. The obligor, within 15 days after service of a
8 notice of delinquency, may apply for a hearing to contest the
9 enforcement of the income deduction on the ground of mistake
10 of fact regarding the amount owed pursuant to an order
11 establishing, enforcing, or modifying an obligation for
12 alimony, for child support, or for alimony and child support,
13 the amount of the arrearage, or the identity of the obligor,
14 the payor, or the obligee. The obligor shall send a copy of
15 the pleading to the obligee and, if the obligee is receiving
16 IV-D services, to the IV-D agency. The timely filing of the
17 pleading shall stay ~~the~~ service of an income deduction order
18 or, in Title IV-D cases, income deduction notice on all payors
19 of the obligor until a hearing is held and a determination is
20 made as to whether enforcement of the income deduction order
21 is proper. The payment of a delinquent obligation by an
22 obligor upon entry ~~issuance~~ of an income deduction order
23 ~~notice~~ shall not preclude service of the income deduction
24 order or, in Title IV-D cases, an income deduction notice on
25 the obligor's payor.

26 2. When an obligor timely requests a hearing to
27 contest enforcement of an income deduction order, the court,
28 after due notice to all parties and the IV-D agency if the
29 obligee is receiving IV-D services, shall hear the matter
30 within 20 days after the application is filed. The court
31 shall enter an order resolving the matter within 10 days after

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1 the hearing. A copy of this order shall be served on the
2 parties and the IV-D agency if the obligee is receiving IV-D
3 services. If the court determines that ~~service of an~~ income
4 deduction ~~notice~~ is proper, it shall specify the date the
5 income deduction order ~~notice~~ must be served on the obligor's
6 payor.

7 (d) When a court determines that an income deduction
8 order ~~notice~~ is proper pursuant to paragraph (c), the obligee
9 or his or her agent shall cause a copy of the notice of
10 delinquency to be served on the obligor's payors. A copy of
11 the income deduction order or, in Title IV-D cases, income
12 deduction notice, and in the case of a delinquency a notice of
13 delinquency, shall also be furnished to the obligor.

14 (e) Notice to payor and income deduction notice. The
15 notice to payor or, in Title IV-D cases, income deduction
16 notice shall contain only information necessary for the payor
17 to comply with the order providing for income deduction. The
18 notice shall:

- 19 1. Provide the obligor's social security number.
- 20 2. Require the payor to deduct from the obligor's
21 income the amount specified in the ~~order providing for~~ income
22 deduction order, and in the case of a delinquency the amount
23 specified in the notice of delinquency, and to pay that amount
24 to the obligee or to the depository, as appropriate. The
25 amount actually deducted plus all administrative charges shall
26 not be in excess of the amount allowed under s. 303(b) of the
27 Consumer Credit Protection Act, 15 U.S.C. s. 1673(b);
- 28 3. Instruct the payor to implement income deduction no
29 later than the first payment date which occurs more than 14
30 days after the date the income deduction notice was served on
31 the payor, and the payor shall conform the amount specified in

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1 the income deduction order or, in Title IV-D cases, income
2 deduction notice to the obligor's pay cycle;

3 4. Instruct the payor to forward, within 2 days after
4 each date the obligor is entitled to payment from the payor,
5 to the obligee or to the depository the amount deducted from
6 the obligor's income, a statement as to whether the amount
7 totally or partially satisfies the periodic amount specified
8 in the income deduction order or, in Title IV-D cases, income
9 deduction notice, and the specific date each deduction is
10 made. If the IV-D agency is enforcing the order, the payor
11 shall make these notifications to the agency instead of the
12 obligee;

13 5. Specify that if a payor fails to deduct the proper
14 amount from the obligor's income, the payor is liable for the
15 amount the payor should have deducted, plus costs, interest,
16 and reasonable attorney's fees;

17 6. Provide that the payor may collect up to \$5 against
18 the obligor's income to reimburse the payor for administrative
19 costs for the first income deduction and up to \$2 for each
20 deduction thereafter;

21 7. State that the notice to payor or, in Title IV-D
22 cases, income deduction notice, and in the case of a
23 delinquency the notice of delinquency, are binding on the
24 payor until further notice by the obligee, IV-D agency, or the
25 court or until the payor no longer provides income to the
26 obligor;

27 8. Instruct the payor that, when he or she no longer
28 provides income to the obligor, he or she shall notify the
29 obligee and shall also provide the obligor's last known
30 address and the name and address of the obligor's new payor,
31 if known; and that, if the payor violates this provision, the

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1 payor is subject to a civil penalty not to exceed \$250 for the
2 first violation or \$500 for any subsequent violation. If the
3 IV-D agency is enforcing the order, the payor shall make these
4 notifications to the agency instead of to the obligee.

5 Penalties shall be paid to the obligee or the IV-D agency,
6 whichever is enforcing the income deduction order;

7 9. State that the payor shall not discharge, refuse to
8 employ, or take disciplinary action against an obligor because
9 of the requirement for ~~an income deduction notice~~ and shall
10 state that a violation of this provision subjects the payor to
11 a civil penalty not to exceed \$250 for the first violation or
12 \$500 for any subsequent violation. Penalties shall be paid to
13 the obligee or the IV-D agency, whichever is enforcing the
14 income deduction ~~notice~~, if any alimony or child support
15 obligation is owing. If no alimony or child support obligation
16 is owing, the penalty shall be paid to the obligor;

17 10. State that an obligor may bring a civil action in
18 the courts of this state against a payor who refuses to
19 employ, discharges, or otherwise disciplines an obligor
20 because of ~~an income deduction notice~~. The obligor is entitled
21 to reinstatement and all wages and benefits lost, plus
22 reasonable attorney's fees and costs incurred;

23 11. Inform the payor that the requirement for income
24 deduction ~~notice~~ has priority over all other legal processes
25 under state law pertaining to the same income and that
26 payment, as required by the notice to payor or income
27 deduction notice, is a complete defense by the payor against
28 any claims of the obligor or his or her creditors as to the
29 sum paid;

30 12. Inform the payor that, when the payor receives
31 notices to payor or income deduction notices requiring that

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1 the income of two or more obligors be deducted and sent to the
2 same depository, the payor may combine the amounts that are to
3 be paid to the depository in a single payment as long as the
4 payments attributable to each obligor are clearly identified;
5 and

6 13. Inform the payor that if the payor receives more
7 than one notice to payor or income deduction notice against
8 the same obligor, the payor shall contact the court or, in
9 Title IV-D cases, the Title IV-D agency for further
10 instructions. Upon being so contacted, the court or, in Title
11 IV-D cases when all the cases upon which the notices are based
12 are Title IV-D cases, the Title IV-D agency shall allocate
13 amounts available for income deduction as provided in
14 subsection (4).

15 (f) At any time an income deduction order is being
16 enforced, the obligor may apply to the court for a hearing to
17 contest the continued enforcement of the income deduction on
18 the same grounds set out in paragraph (c), with a copy to the
19 obligee and, in IV-D cases, to the IV-D agency. The
20 application does not affect the continued enforcement of the
21 income deduction until the court enters an order granting
22 relief to the obligor. The obligee or the IV-D agency is
23 released from liability for improper receipt of moneys
24 pursuant to an income deduction order upon return to the
25 appropriate party of any moneys received.

26 (g) An obligee or his or her agent shall enforce an
27 income deduction order against an obligor's successor payor
28 who is located in this state in the same manner prescribed in
29 this section for the enforcement of an income deduction order
30 against a payor.

31 (h)1. When an income deduction order is to be enforced

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1 against a payor located outside the state, the obligee who is
2 receiving IV-D services or his or her agent shall promptly
3 request the agency responsible for income deduction in the
4 other state to enforce the income deduction order. The request
5 shall contain all information necessary to enforce the income
6 deduction order, including the amount to be periodically
7 deducted, a copy of the order establishing, enforcing, or
8 modifying the obligation, and a statement of arrearages, if
9 applicable.

10 2. When the IV-D agency is requested by the agency
11 responsible for income deduction in another state to enforce
12 an income deduction order against a payor located in this
13 state for the benefit of an obligee who is being provided IV-D
14 services by the agency in the other state, the IV-D agency
15 shall act promptly pursuant to the applicable provisions of
16 this section.

17 3. When an obligor who is subject to an income
18 deduction order enforced against a payor located in this state
19 for the benefit of an obligee who is being provided IV-D
20 services by the agency responsible for income deduction in
21 another state terminates his or her relationship with his or
22 her payor, the IV-D agency shall notify the agency in the
23 other state and provide it with the name and address of the
24 obligor and the address of any new payor of the obligor, if
25 known.

26 4.a. The procedural rules and laws of this state
27 govern the procedural aspects of income deduction whenever the
28 agency responsible for income deduction in another state
29 requests the enforcement of an income deduction order in this
30 state.

31 b. Except with respect to when withholding must be

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1 implemented, which is controlled by the state where the order
2 establishing, enforcing, or modifying the obligation was
3 entered, the substantive law of this state shall apply
4 whenever the agency responsible for income deduction in
5 another state requests the enforcement of an income deduction
6 in this state.

7 c. When the IV-D agency is requested by an agency
8 responsible for income deduction in another state to implement
9 income deduction against a payor located in this state for the
10 benefit of an obligee who is being provided IV-D services by
11 the agency in the other state or when the IV-D agency in this
12 state initiates an income deduction request on behalf of an
13 obligee receiving IV-D services in this state against a payor
14 in another state, pursuant to this section or the Uniform
15 Interstate Family Support Act, the IV-D agency shall file the
16 interstate income deduction documents, or an affidavit of such
17 request when the income deduction documents are not available,
18 with the depository and if the IV-D agency in this state is
19 responding to a request from another state, provide copies to
20 the payor and obligor in accordance with subsection (1). The
21 depository created pursuant to s. 61.181 shall accept the
22 interstate income deduction documents or affidavit and shall
23 establish an account for the receipt and disbursement of child
24 support or child support and alimony payments and advise the
25 IV-D agency of the account number in writing within 2 days
26 after receipt of the documents or affidavit.

27 (i) Certified copies of payment records maintained by
28 a depository shall, without further proof, be admitted into
29 evidence in any legal proceeding in this state.

30 (j)1. A person may not discharge, refuse to employ, or
31 take disciplinary action against an employee because of the

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1 enforcement of an income deduction order. An employer who
2 violates this subsection is subject to a civil penalty not to
3 exceed \$250 for the first violation or \$500 for any subsequent
4 violation. Penalties shall be paid to the obligee or the IV-D
5 agency, whichever is enforcing the income deduction ~~order~~, if
6 any alimony or child support is owing. If no alimony or child
7 support is owing, the penalty shall be paid to the obligor.

8 2. An employee may bring a civil action in the courts
9 of this state against an employer who refuses to employ,
10 discharges, or otherwise disciplines an employee because of an
11 income deduction order. The employee is entitled to
12 reinstatement and all wages and benefits lost plus reasonable
13 attorney's fees and costs incurred.

14 (k) When a payor no longer provides income to an
15 obligor, he or she shall notify the obligee and, if the
16 obligee is a IV-D applicant, the IV-D agency and shall also
17 provide the obligor's last known address and the name and
18 address of the obligor's new payor, if known. A payor who
19 violates this subsection is subject to a civil penalty not to
20 exceed \$250 for the first violation or \$500 for a subsequent
21 violation. Penalties shall be paid to the obligee or the IV-D
22 agency, whichever is enforcing the income deduction order.

23 (3) It is the intent of the Legislature that this
24 section may be used to collect arrearages in child support
25 payments or in alimony payments which have been accrued
26 against an obligor.

27 (4) When there is more than one income deduction
28 notice against the same obligor, the ~~court shall allocate~~
29 amounts available for income deduction must be allocated among
30 all obligee families as follows:

31 (a) For computation purposes, ~~the court shall convert~~

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1 all obligations must be converted to a common payroll
2 frequency and ~~determine~~ the percentage of deduction allowed
3 under s. 303(b) of the Consumer Credit Protection Act, 15
4 U.S.C. s. 1673(b), as amended, must be determined. ~~The court~~
5 ~~shall determine~~ The amount of income available for deduction
6 is determined by multiplying that percentage ~~figure~~ by the
7 obligor's net income ~~and determine the sum of all of the~~
8 ~~support obligations~~.

9 (b) If the total monthly support obligation to all
10 families is less than the amount of income available for
11 deduction, the full amount of each obligation must be
12 deducted. ~~sum of the support obligations is less than the~~
13 ~~amount of income available for deduction, the court shall~~
14 ~~order that the full amount of each obligation shall be~~
15 ~~deducted.~~

16 (c) If the total monthly support obligation to all
17 families is greater than the amount of income available for
18 deduction, the amount of the deduction must be prorated,
19 giving priority to current support, so that each family is
20 allocated a percentage of the amount deducted. The percentage
21 to be allocated to each family is determined by dividing each
22 current support obligation by the total of all current support
23 obligations. If the total of all current support obligations
24 is less than the income available for deduction, and past due
25 support is owed to more than one family, then the remainder of
26 the available income must be prorated so that each family is
27 allocated a percentage of the remaining income available for
28 deduction. The percentage to be allocated to each family is
29 determined by dividing each past-due support obligation by the
30 total of all past-due support obligations. ~~sum of the support~~
31 ~~obligations is greater than the amount of income available for~~

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1 ~~deduction, the court shall determine a prorated percentage for~~
2 ~~each support obligation by dividing each obligation by the sum~~
3 ~~total of all the support obligations. The court shall then~~
4 ~~determine the prorated deduction amount for each support~~
5 ~~obligation by multiplying the prorated percentage for each~~
6 ~~support obligation by the amount of income available for~~
7 ~~deduction. The court shall then order that the resultant~~
8 ~~amount for each support obligation shall be deducted from the~~
9 ~~obligor's income.~~

10 Section 9. Section 63.181, Florida Statutes, is
11 amended to read:

12 61.181 Central depository for receiving, recording,
13 reporting, monitoring, and disbursing alimony, support,
14 maintenance, and child support payments; fees.--

15 (1) The office of the clerk of the court shall operate
16 a depository unless the depository is otherwise created by
17 special act of the Legislature or unless, prior to June 1,
18 1985, a different entity was established to perform such
19 functions. The department shall, no later than July 1, 1998,
20 extend participation in the federal child support cost
21 reimbursement program to the central depository in each
22 county, to the maximum extent possible under existing federal
23 law. The depository shall receive reimbursement for services
24 provided under a cooperative agreement with the department as
25 provided by federal law.

26 (2)(a) The depository shall impose and collect a fee
27 on each payment made for receiving, recording, reporting,
28 disbursing, monitoring, or handling alimony or child support
29 payments as required under this section, which fee shall be a
30 flat fee based, to the extent practicable, upon estimated
31 reasonable costs of operation. The fee shall be reduced in

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1 any case in which the fixed fee results in a charge to any
2 party of an amount greater than 3 percent of the amount of any
3 support payment made in satisfaction of the amount which the
4 party is obligated to pay, except that no fee shall be less
5 than \$1 nor more than \$5 per payment made. The fee shall be
6 considered by the court in determining the amount of support
7 that the obligor is, or may be, required to pay.

8 (b)1. For the period of July 1, 1992, through June 30,
9 1999, the fee imposed in paragraph (a) shall be increased to 4
10 percent of the support payments which the party is obligated
11 to pay, except that no fee shall be more than \$5.25. The fee
12 shall be considered by the court in determining the amount of
13 support that the obligor is, or may be, required to pay.
14 Notwithstanding the provisions of s. 145.022, 75 percent of
15 the additional revenues generated by this paragraph shall be
16 remitted monthly to the Clerk of the Court Child Support
17 Enforcement Collection System Trust Fund administered by the
18 department as provided in subparagraph 2. These funds shall
19 be used exclusively for the development, implementation, and
20 operation of an automated child support enforcement
21 collections system to be operated by the depositories. The
22 department shall contract with the Florida Association of
23 Court Clerks ~~and Comptrollers~~ and the depositories to design,
24 establish, operate, upgrade, and maintain the automation of
25 the depositories to include, but not be limited to, the
26 provision of on-line electronic transfer of information to the
27 IV-D agency as otherwise required by this chapter. Each
28 depository created under this section shall fully participate
29 in the automated child support enforcement collection system
30 on or before July 1, 1997, and transmit data in a readable
31 format as required by the contract between the Florida

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1 Association of Court Clerks ~~and Comptrollers~~ and the
2 department. ~~The department may at its discretion exempt a~~
3 ~~depository from compliance with full participation in the~~
4 ~~automated child support enforcement collection system.~~

5 2. No later than December 31, 1996, moneys to be
6 remitted to the department by the depository shall be done
7 daily by electronic funds transfer and calculated as follows:

8 a. For each support payment of less than \$33, 18.75
9 cents.

10 b. For each support payment between \$33 and \$140, an
11 amount equal to 18.75 percent of the fee charged.

12 c. For each support payment in excess of \$140, 18.75
13 cents.

14 3. Prior to June 30, 1995, the depositories and the
15 department shall provide the Legislature with estimates of the
16 cost of continuing the collection and maintenance of
17 information required by this act.

18 4. The fees established by this section shall be set
19 forth and included in every order of support entered by a
20 court of this state which requires payment to be made into the
21 depository.

22 (3)(a) The depository shall collect and distribute all
23 support payments paid into the depository to the appropriate
24 party. On or after July 1, 1998, if a payment on a Title IV-D
25 case is made which is not accompanied by the required
26 transaction fee, the depository shall not deduct any moneys
27 from the support payment for payment of the fee. Nonpayment
28 of the required fee shall be considered a delinquency, and
29 when the total of fees and costs which are due but not paid
30 exceeds \$50, the judgment by operation of law process set
31 forth in s. 61.14(6)(a) shall become applicable and

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1 operational. As part of its collection and distribution
2 functions, the depository shall maintain records listing:
3 1. The obligor's name, address, social security
4 number, place of employment, and any other sources of income.
5 2. The obligee's name, address, and social security
6 number.
7 3. The amount of support due as provided in the court
8 order.
9 4. The schedule of payment as provided in the court
10 order.
11 5. The actual amount of each support payment received,
12 the date of receipt, the amount disbursed, and the recipient
13 of the disbursement.
14 6. The unpaid balance of any arrearage due as provided
15 in the court order.
16 7. Other records as necessary to comply with federal
17 reporting requirements.
18 (b) The depository may require a payor or obligor to
19 complete an information form, which shall request the
20 following about the payor or obligor who provides payment by
21 check:
22 1. Full name, address, and home phone number.
23 2. Driver's license number.
24 3. Social security number.
25 4. Name, address, and business phone number of
26 obligor's employer.
27 5. Date of birth.
28 6. Weight and height.
29 7. Such other information as may be required by the
30 State Attorney if prosecution for an insufficient check
31 becomes necessary.

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If the depository requests such information, and a payor or obligor does not comply, the depository may refuse to accept personal checks from the payor or obligor.

(c) Parties using the depository for support payments shall inform the depository of changes in their names or addresses. An obligor shall, additionally, notify the depository of all changes in employment or sources of income, including the payor's name and address, and changes in the amounts of income received. Notification of all changes shall be made in writing to the depository within 7 days of a change.

(d) When custody of a child is relinquished by a custodial parent who is entitled to receive child support moneys from the depository to a licensed or registered long-term care child agency, that agency may request from the court an order directing child support payments which would otherwise be distributed to the custodial parent be distributed to the agency for the period of custody of the child by the agency. Thereafter, payments shall be distributed to the agency as if the agency were the custodial parent until further order of the court.

(4) The depository shall provide to the IV-D agency, at least once a month, a listing of IV-D accounts which identifies all delinquent accounts, the period of delinquency, and total amount of delinquency. The list shall be in alphabetical order by name of obligor, shall include the obligee's name and case number, and shall be provided at no cost to the IV-D agency.

(5) The depository shall accept a support payment tendered in the form of a check drawn on the account of a

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1 payor or obligor, unless the payor or obligor has previously
2 remitted a check which was returned to the depository due to
3 lack of sufficient funds in the account. If the payor or
4 obligor has had a check returned for this reason, the
5 depository shall accept payment by cash, cashier's check, or
6 money order, or may accept a check upon deposit by the payor
7 or obligor of an amount equal to 1 month's payment. Upon
8 payment by cash, cashier's check, or money order, the
9 depository shall disburse the proceeds to the obligee within 2
10 working days. Payments drawn by check on the account of a
11 payor or obligor shall be disbursed within 4 working days.
12 Notwithstanding the provisions of s. 28.243, the administrator
13 of the depository shall not be personally liable if the check
14 tendered by the payor or obligor is not paid by the bank.

15 (6) Certified copies of payment records maintained by
16 a depository shall without further proof be admitted into
17 evidence in any legal proceeding in this state.

18 (7) The depository shall provide to the Title IV-D
19 agency the date provided by a payor, as required in s.
20 61.1301, for each payment received and forwarded to the
21 agency. If no date is provided by the payor, the depository
22 shall provide the date of receipt by the depository and shall
23 report to the Title IV-D agency those payors who fail to
24 provide the date the deduction was made.

25 (8) On or before July 1, 1994, the depository shall
26 provide information required by this chapter to be transmitted
27 to the Title IV-D agency by on-line electronic transmission
28 pursuant to rules promulgated by the Title IV-D agency.

29 (9) If the increase in fees as provided by paragraph
30 (2)(b) expires or is otherwise terminated, the depository
31 shall not be required to provide the Title IV-D agency the

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1 date provided by a payor as required by s. 61.1301.

2 (10) Compliance with the requirements of this section
3 shall be included as part of the annual county audit required
4 pursuant to s. 11.45.

5 (11) The Office of Program Policy Analysis and
6 Government Accountability shall conduct a program audit of the
7 central child support enforcement depositories operating
8 pursuant to this section. This audit shall include, but not
9 be limited to, an analysis of current and pending federal
10 requirements for the child support enforcement depository and
11 a review of the adequacy of the present depository and funds
12 distribution system to meet those requirements; a cost
13 analysis of the current system; and a review of all
14 strategies, including federal reimbursement, distribution of
15 funds by the local depository, and privatization, to increase
16 efficiency in payment processing. The audit must be completed
17 and a report must be submitted to the Senate and the House of
18 Representatives before December 1, 1996. This subsection
19 shall not affect the implementation of any other parts of this
20 section.

21 (12) The Office of Program Policy Analysis and
22 Government Accountability is directed to evaluate the Dade
23 County Child Support Enforcement demonstration project
24 administered by the state attorney for the eleventh judicial
25 circuit, and the Manatee County Child Support Enforcement
26 demonstration project administered by the clerk of the circuit
27 court. The office shall report its findings to the Governor,
28 the President of the Senate, and the Speaker of the House of
29 Representatives, no later than January 1, 1999.

30 Section 10. Paragraph (a) of subsection (1) and
31 subsections (8) and (17) of section 61.30, Florida Statutes,

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1 are amended to read:

2 61.30 Child Support guidelines; retroactive child
3 support.--

4 (1)(a) The child support guideline amount as
5 determined by this section presumptively establishes the
6 amount the trier of fact shall order as child support in an
7 initial proceeding for such support or in a proceeding for
8 modification of an existing order for such support, whether
9 the proceeding arises under this or another chapter. The
10 trier of fact may order payment of child support which varies,
11 plus or minus 5 percent, from the guideline amount, after
12 considering all relevant factors, including the needs of the
13 child or children, age, station in life, standard of living,
14 and the financial status and ability of each parent. The
15 trier of fact may order payment of child support in an amount
16 which varies more than 5 percent from such guideline amount
17 only upon a written finding, ~~or a specific finding on the~~
18 ~~record~~, explaining why ordering payment of such guideline
19 amount would be unjust or inappropriate.

20 (8) Health insurance costs resulting from coverage
21 ordered pursuant to s. 61.13(1)(b), and any noncovered
22 medical, dental, and prescription medication expenses of the
23 child, shall be added to the basic obligation unless these
24 expenses have been ordered to be separately paid on a
25 percentage basis. After the health insurance costs are added
26 to the basic obligation, any moneys prepaid by the
27 noncustodial parent for health-related costs ~~health insurance~~
28 for the child or children of this action shall be deducted
29 from that noncustodial parent's child support obligation for
30 that child or those children.

31 (17) In an initial determination of child support,

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1 whether in a paternity action, dissolution of marriage action,
2 or petition for support during the marriage, the court has
3 discretion to award child support retroactive to the date when
4 the parents did not reside together in the same household with
5 the child, not to exceed a period of 24 months preceding the
6 filing of the petition, regardless of whether that date
7 precedes the filing of the petition. In determining the
8 retroactive award in such cases, the court shall consider the
9 following:

10 (a) The court shall apply the guidelines in effect at
11 the time of the hearing subject to the obligor's demonstration
12 of his or her actual income, as defined by s. 61.30(2), during
13 the retroactive period. Failure of the obligor to so
14 demonstrate, shall result in the court using the obligor's
15 income at the time of the hearing, in computing child support
16 for the retroactive period.

17 (b) All actual payments made by the noncustodial
18 parent to the custodial parent or the child or third parties
19 for the benefit of the child throughout the proposed
20 retroactive period.

21 (c) The court should consider an installment payment
22 plan for the payment of retroactive child support.

23 Section 11. Subsection (4) of section 69.041, Florida
24 Statutes, is amended to read:

25 69.041 State named party; lien foreclosure, suit to
26 quiet title.--

27 (4)(a) The Department of Revenue has the right to
28 participate in the disbursement of funds remaining in the
29 registry of the court after distribution pursuant to s.
30 45.031(7). The department shall participate in accordance with
31 applicable procedures in any mortgage foreclosure action in

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1 which the department has a duly filed tax warrant, or
2 interests under a lien arising from a judgment, order, or
3 decree for child support, against the subject property and
4 with the same priority, regardless of whether a default
5 against the department has been entered for failure to file an
6 answer or other responsive pleading.

7 (b) With respect to a duly filed tax warrant,
8 paragraph (a) applies only to mortgage foreclosure actions
9 initiated on or after July 1, 1994, and to those mortgage
10 foreclosure actions initiated before July 1, 1994, in which no
11 default has been entered against the Department of Revenue
12 before July 1, 1994. With respect to mortgage foreclosure
13 actions initiated based upon interests under a lien arising
14 from a judgment, order, or decree for child support, paragraph
15 (a) applies only to mortgage foreclosure actions initiated on
16 or after July 1, 1998, and to those mortgage foreclosure
17 actions initiated before July 1, 1998, in which no default has
18 been entered against the Department of Revenue before July 1,
19 1998.

20 Section 12. Subsection (4) of section 319.24, Florida
21 Statutes, is amended to read:

22 319.24 Issuance in duplicate; delivery; liens and
23 encumbrances.--

24 (4) If the owner of the motor vehicle or mobile home,
25 as shown on the title certificate, or the director of the
26 state child support enforcement program, or the director's
27 designee, desires to place a second or subsequent lien or
28 encumbrance against the motor vehicle or mobile home when the
29 title certificate is in the possession of the first
30 lienholder, the owner shall send a written request to the
31 first lienholder by certified mail, and such first lienholder

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1 shall forward the certificate to the department for
2 endorsement. If the title certificate is in the possession of
3 the owner, the owner shall forward the certificate to the
4 department for endorsement. The department shall return the
5 certificate to either the first lienholder or to the owner, as
6 indicated in the notice of lien filed by the first lienholder,
7 after endorsing the second or subsequent lien on the
8 certificate and on the duplicate. If the first lienholder or
9 owner fails, neglects, or refuses to forward the certificate
10 of title to the department within 10 days from the date of the
11 owner's or the director's or designee's request, the
12 department, on the written request of the subsequent
13 lienholder or an assignee thereof, shall demand of the first
14 lienholder the return of such certificate for the notation of
15 the second or subsequent lien or encumbrance.

16 Section 13. Subsection (4) of section 319.32, Florida
17 Statutes, is renumbered as subsection (5), and a new
18 subsection (4) is added to said section to read:

19 319.32 Fees; service charges; disposition.--

20 (4) The department shall charge a fee of \$7 for each
21 lien placed on a motor vehicle by the state child support
22 enforcement program pursuant to s. 319.24.

23 Section 14. Subsection (2) of section 372.561, Florida
24 Statutes, is amended to read:

25 372.561 Issuance of licenses to take wild animal life
26 or freshwater aquatic life; costs; reporting.--

27 (2) The commission shall issue licenses and permits to
28 take wild animal life or freshwater aquatic life upon proof by
29 the applicant for licensure that she or he is entitled to such
30 license or permit. The commission shall establish the forms
31 for such licenses and permits. Each applicant for a license,

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1 permit, or authorization shall provide the applicant's social
2 security number on the application form. Disclosure of social
3 security numbers obtained through this requirement shall be
4 limited to the purpose of administration of the Title IV-D
5 program for child support enforcement and use by the
6 commission, and as otherwise provided by law.

7 Section 15. The introductory paragraph of section
8 372.57, Florida Statutes, is amended to read:

9 372.57 Licenses and permits; exemptions; fees.--No
10 person, except as provided herein, shall take game, freshwater
11 fish, or fur-bearing animals within this state without having
12 first obtained a license, permit, or authorization and paid
13 the fees hereinafter set forth, unless such license is issued
14 without fee as provided in s. 372.561. Such license, permit,
15 or authorization shall authorize the person to whom it is
16 issued to take game, freshwater fish, or fur-bearing animals
17 in accordance with law and commission rules. Such license,
18 permit, or authorization is not transferable. Each license or
19 permit must bear on its face in indelible ink the name of the
20 person to whom it is issued and other information requested by
21 the commission. Such license, permit, or authorization issued
22 by the commission or any agent must be in the personal
23 possession of the person to whom issued while taking game,
24 freshwater fish, or fur-bearing animals. The failure of such
25 person to exhibit such license, permit, or authorization to
26 the commission or its wildlife officers, when such person is
27 found taking game, freshwater fish, or fur-bearing animals, is
28 a violation of law. A positive form of identification is
29 required when using an authorization, a lifetime license, a
30 5-year license, or when otherwise required by the license or
31 permit. The lifetime licenses and 5-year licenses provided

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1 herein shall be embossed with the name, date of birth, the
2 date of issuance, and other pertinent information as deemed
3 necessary by the commission. A certified copy of the
4 applicant's birth certificate shall accompany all applications
5 for a lifetime license for residents 12 years of age and
6 younger. Each applicant for a license, permit, or
7 authorization shall provide the applicant's social security
8 number on the application form. Disclosure of social security
9 numbers obtained through this requirement shall be limited to
10 the purpose of administration of the Title IV-D child support
11 enforcement program and use by the commission, and as
12 otherwise provided by law.

13 Section 16. Section 372.574, Florida Statutes, is
14 amended to read:

15 372.574 Appointment of subagents for the sale of
16 hunting, fishing, and trapping licenses and permits.--

17 (1) A county tax collector who elects to sell licenses
18 and permits may appoint any person as a subagent for the sale
19 of fishing, hunting, and trapping licenses and permits that
20 the tax collector is allowed to sell. The following are
21 requirements for subagents:

22 (a) Each subagent must serve at the pleasure of the
23 county tax collector.

24 (b) Neither an employee of the county tax collector
25 nor her or his relative or next of kin, by blood or otherwise,
26 may be appointed as a subagent.

27 (c) The tax collector may require each subagent to
28 post an appropriate bond as determined by the tax collector,
29 using an insurance company acceptable to the tax collector.
30 In lieu of such bond, the tax collector may purchase blanket
31 bonds covering all or selected subagents or may allow a

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1 subagent to post such other security as is required by the tax
2 collector.

3 (d) A subagent may sell licenses and permits as are
4 determined by the tax collector at such specific locations
5 within the county and in states contiguous to Florida as will
6 best serve the public interest and convenience in obtaining
7 licenses and permits. The commission may uniformly prohibit
8 subagents from selling certain licenses or permits.

9 (e) It is unlawful for any person to handle licenses
10 or permits for a fee or compensation of any kind unless she or
11 he has been appointed as a subagent.

12 (f) Any person who willfully violates any of the
13 provisions of this law is guilty of a misdemeanor of the
14 second degree, punishable as provided in s. 775.082 or s.
15 775.083.

16 (g) A subagent may charge and receive as her or his
17 compensation 50 cents for each license or permit sold. This
18 charge is in addition to the sum required by law to be
19 collected for the sale and issuance of each license or permit.

20 (h) A subagent shall submit payment for and report the
21 sale of licenses and permits to the tax collector as
22 prescribed by the tax collector but no less frequently than
23 monthly.

24 (i) Subagents shall submit an activity report, for
25 sales made during the reporting period on forms prescribed or
26 approved by the commission. Periodic audits may be performed
27 at the discretion of the commission.

28 (2) If a tax collector elects not to appoint
29 subagents, the commission may appoint subagents within that
30 county. Subagents shall serve at the pleasure of the
31 commission. The commission may establish, by rule, procedures

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1 for selection of subagents. The following are requirements
2 for subagents so appointed:

3 (a) The commission may require each subagent to post
4 an appropriate bond as determined by the commission, using an
5 insurance company acceptable to the commission. In lieu of
6 the bond, the commission may purchase blanket bonds covering
7 all or selected subagents or may allow a subagent to post
8 other security as required by the commission.

9 (b) A subagent may sell licenses and permits as
10 authorized by the commission at specific locations within the
11 county and in states as will best serve the public interest
12 and convenience in obtaining licenses and permits. The
13 commission may prohibit subagents from selling certain
14 licenses or permits.

15 (c) It is unlawful for any person to handle licenses
16 or permits for a fee or compensation of any kind unless he or
17 she has been appointed as a subagent.

18 (d) Any person who willfully violates any of the
19 provisions of this section commits a misdemeanor of the second
20 degree, punishable as provided in s. 775.082 or s. 775.083.

21 (e) A subagent may charge and receive as his or her
22 compensation 50 cents for each license or permit sold. This
23 charge is in addition to the sum required by law to be
24 collected for the sale and issuance of each license or permit.
25 In addition, no later than July 1, 1997, a subagent fee for
26 the sale of licenses over the telephone by credit card shall
27 be established by competitive bid procedures which are
28 overseen by the Game and Fresh Water Fish Commission.

29 (f) A subagent shall submit payment for and report the
30 sale of licenses and permits to the commission as prescribed
31 by the commission.

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1 (g) Subagents shall maintain records of all licenses
2 and permits sold and all stamps issued, voided, stolen, or
3 lost. Subagents are responsible to the commission for the
4 fees for all licenses and permits sold and for the value of
5 all stamps reported as lost. Subagents must report all stolen
6 validation stamps to the appropriate law enforcement agency.
7 The subagent shall submit a written report and a copy of the
8 law enforcement agency's report to the commission within 5
9 days after discovering the theft. The value of a lost
10 validation stamp is \$5.

11 (h) Subagents shall submit an activity report, for
12 sales made during the reporting period on forms prescribed or
13 approved by the commission. Periodic audits may be performed
14 at the discretion of the commission.

15 (i) By July 15 of each year, each subagent shall
16 submit to the commission all unissued stamps for the previous
17 year along with a written audit report, on forms prescribed or
18 approved by the commission, on the numbers of the unissued
19 stamps.

20 (3) All social security numbers which are provided
21 pursuant to ss. 372.561 and 372.57 and are contained in
22 records of any subagent appointed pursuant to this section are
23 confidential as provided in those sections.

24 Section 17. Subsection (1) of section 382.008, Florida
25 Statutes, is amended to read:

26 382.008 Death and fetal death registration.--

27 (1) A certificate for each death and fetal death which
28 occurs in this state shall be filed on a form prescribed by
29 the department with the local registrar of the district in
30 which the death occurred within 5 days after such death and
31 prior to final disposition, and shall be registered by such

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1 registrar if it has been completed and filed in accordance
 2 with this chapter or adopted rules. The certificate shall
 3 include the decedent's social security number, if available.
 4 Disclosure of social security numbers obtained through this
 5 requirement shall be limited to the purpose of administration
 6 of the Title IV-D program for child support enforcement and as
 7 otherwise provided by law.In addition, each certificate of
 8 death or fetal death:

9 (a) If requested by the informant, shall include
 10 aliases or "also known as" (AKA) names of a decedent in
 11 addition to the decedent's name of record. Aliases shall be
 12 entered on the face of the death certificate in the space
 13 provided for name if there is sufficient space. If there is
 14 not sufficient space, aliases may be recorded on the back of
 15 the certificate and shall be considered part of the official
 16 record of death;

17 (b) If the place of death is unknown, shall be
 18 registered in the registration district in which the dead body
 19 or fetus is found within 5 days after such occurrence; and

20 (c) If death occurs in a moving conveyance, shall be
 21 registered in the registration district in which the dead body
 22 was first removed from such conveyance.

23 Section 18. Section 382.013, Florida Statutes, is
 24 amended to read:

25 382.013 Birth registration.--A certificate for each
 26 live birth that occurs in this state shall be filed within 5
 27 days after such birth with the local registrar of the district
 28 in which the birth occurred and shall be registered by the
 29 local registrar if the certificate has been completed and
 30 filed in accordance with this chapter and adopted rules. The
 31 information regarding registered births shall be used for

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1 comparison with information in the state case registry, as
2 defined in chapter 61.

3 (1) FILING.--

4 (a) If a birth occurs in a hospital, birth center, or
5 other health care facility, or en route thereto, the person in
6 charge of the facility shall be responsible for preparing the
7 certificate, certifying the facts of the birth, and filing the
8 certificate with the local registrar. Within 48 hours after
9 the birth, the physician, midwife, or person in attendance
10 during or immediately after the delivery shall provide the
11 facility with the medical information required by the birth
12 certificate.

13 (b) If a birth occurs outside a facility and the child
14 is not taken to the facility within 3 days after delivery, the
15 certificate shall be prepared and filed by one of the
16 following persons in the indicated order of priority:

17 1. The physician or midwife in attendance during or
18 immediately after the birth.

19 2. In the absence of persons described in subparagraph
20 1., any other person in attendance during or immediately after
21 the birth.

22 3. In the absence of persons described in subparagraph
23 2., the father or mother.

24 4. In the absence of the father and the inability of
25 the mother, the person in charge of the premises where the
26 birth occurred.

27 (c) If a birth occurs in a moving conveyance and the
28 child is first removed from the conveyance in this state, the
29 birth shall be filed and registered in this state and the
30 place to which the child is first removed shall be considered
31 the place of birth.

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1 (d) At least one of the parents of the child shall
2 attest to the accuracy of the personal data entered on the
3 certificate in time to permit the timely registration of the
4 certificate.

5 (e) If a certificate of live birth is incomplete, the
6 local registrar shall immediately notify the health care
7 facility or person filing the certificate and shall require
8 the completion of the missing items of information if they can
9 be obtained prior to issuing certified copies of the birth
10 certificate.

11 (f) Regardless of any plan to place a child for
12 adoption after birth, the information on the birth certificate
13 as required by this section must be as to the child's birth
14 parents unless and until an application for a new birth record
15 is made under s. 63.152.

16 (2) PATERNITY.--

17 (a) If the mother is married at the time of birth, the
18 name of the husband shall be entered on the birth certificate
19 as the father of the child, unless paternity has been
20 determined otherwise by a court of competent jurisdiction.

21 (b) If the husband of the mother dies while the mother
22 is pregnant but before the birth of the child, the name of the
23 deceased husband shall be entered on the birth certificate as
24 the father of the child, unless paternity has been determined
25 otherwise by a court of competent jurisdiction.

26 (c) If the mother is not married at the time of birth,
27 the name of the father may not be entered on the birth
28 certificate without the execution of a consenting affidavit
29 signed by both the mother and the person to be named as the
30 father. After giving notice orally or through the use of
31 video or audio equipment, and in writing, of the alternatives

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1 to, the legal consequences of, and the rights, including, if
2 one parent is a minor, any rights afforded due to minority
3 status, and responsibilities that arise from signing an
4 acknowledgment of paternity,the facility shall provide the
5 mother and the person to be named as the father with the
6 affidavit, as well as information provided by the Title IV-D
7 agency established pursuant to s. 409.2557, regarding the
8 benefits of voluntary establishment of paternity. Upon
9 request of the mother and the person to be named as the
10 father, the facility shall assist in the execution of the
11 affidavit.

12 (d) If the paternity of the child is determined by a
13 court of competent jurisdiction as provided under s. 382.015,
14 the name of the father and the surname of the child shall be
15 entered on the certificate in accordance with the finding and
16 order of the court. If the court fails to specify a surname
17 for the child, the surname shall be entered in accordance with
18 subsection (3).

19 (e) If the father is not named on the certificate, no
20 other information about the father shall be entered on the
21 certificate.

22 (3) NAME OF CHILD.--

23 (a) If the mother is married at the time of birth, the
24 mother and father whose names are entered on the birth
25 certificate shall select the given names and surname of the
26 child if both parents have custody of the child, otherwise the
27 parent who has custody shall select the child's name.

28 (b) If the mother and father whose names are entered
29 on the birth certificate disagree on the surname of the child
30 and both parents have custody of the child, the surname
31 selected by the father and the surname selected by the mother

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1 shall both be entered on the birth certificate, separated by a
2 hyphen, with the selected names entered in alphabetical order.
3 If the parents disagree on the selection of a given name, the
4 given name may not be entered on the certificate until a joint
5 agreement that lists the agreed upon given name and is
6 notarized by both parents is submitted to the department, or
7 until a given name is selected by a court.

8 (c) If the mother is not married at the time of birth,
9 the parent ~~person~~ who will have custody of the child shall
10 select the child's given name and surname.

11 (d) If multiple names of the child exceed the space
12 provided on the face of the birth certificate they shall be
13 listed on the back of the certificate. Names listed on the
14 back of the certificate shall be part of the official record.

15 (e) Unless the child is of undetermined parentage
16 under subsection (4), the child's given surname or, if the
17 child's given surname is hyphenated, one of the names in that
18 hyphenated surname must be the surname of the child's mother
19 or the child's father as entered on the birth certificate
20 under subsection (2).

21 (4) UNDETERMINED PARENTAGE.--A birth certificate shall
22 be registered for every child of undetermined parentage
23 showing all known or approximate facts relating to the birth.
24 To assist in later determination, information concerning the
25 place and circumstances under which the child was found shall
26 be included on the portion of the birth certificate relating
27 to marital status and medical details. In the event the child
28 is later identified to the satisfaction of the department, a
29 new birth certificate shall be prepared which shall bear the
30 same number as the original birth certificate, and the
31 original certificate shall be sealed and filed, shall be

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1 confidential and exempt from the provisions of s. 119.07(1),
2 and shall not be opened to inspection by, nor shall certified
3 copies of the same be issued except by court order to, any
4 person other than the registrant if of legal age.

5 (5) DISCLOSURE.--The original certificate of live
6 birth shall contain all the information required by the
7 department for legal, social, and health research purposes.
8 However, all information concerning parentage, marital status,
9 and medical details shall be confidential and exempt from the
10 provisions of s. 119.07(1), except for health research
11 purposes as approved by the department, nor shall copies of
12 the same be issued except as provided in s. 382.025.

13 Section 19. Subsection (3) is added to section
14 409.2557, Florida Statutes, to read:

15 409.2557 State agency for administering child support
16 enforcement program.--

17 (3) Specific rulemaking authority.-- The department
18 has the authority to adopt rules pursuant to ss. 120.54 and
19 120.536(1) to implement all laws administered by the
20 department in its capacity as the Title IV-D agency for this
21 state including, but not limited to, the following:

22 (a) background screening of department employees and
23 applicants, including criminal records checks;

24 (b) confidentiality and retention of department
25 records; access to records; record requests;

26 (c) department trust funds;

27 (d) federal funding procedures;

28 (e) agreements with law enforcement and other state
29 agencies; National Crime Information Center (NCIC) access;
30 Parent Locator Service access;

31 (f) written agreements entered into between the

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- 1 department and child support obligors in establishment,
2 enforcement, and modification proceedings;
3 (g) procurement of services by the department, pilot
4 programs, and demonstration projects;
5 (h) management of cases by the department involving
6 any documentation or procedures required by federal or state
7 law, including but not limited to, cooperation; review and
8 adjustment; audits; interstate actions; diligent efforts for
9 service of process;
10 (i) department procedures for orders for genetic
11 testing; subpoenas to establish, enforce or modify orders;
12 increasing the amount of monthly obligations to secure
13 delinquent support; suspending or denying driver's and
14 professional licenses and certificates; fishing and hunting
15 license suspensions; suspending vehicle and vessel
16 registrations, screening applicants for new or renewal
17 licenses, registrations, or certificates; income deduction;
18 credit reporting and accessing; tax refund intercepts;
19 passport denials; liens; financial institution data matches;
20 expedited procedures; medical support; and all other
21 responsibilities of the department as required by state or
22 federal law;
23 (j) collection and disbursement of child support and
24 alimony payments by the department as required by federal law;
25 collection of genetic testing costs and other costs awarded by
26 the court;
27 (k) report information to and receive information from
28 other agencies and entities;
29 (l) provide location services, including accessing
30 from and reporting to federal and state agencies;
31 (m) privatizing location, establishment, enforcement,

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1 modification and other functions;

2 (n) state case registry;

3 (o) state disbursement unit; and

4 (p) all other responsibilities of the department as
5 required by state or federal law;

6 Section 20. Section 409.2558, Florida Statutes, is
7 created to read:

8 409.2558 Child support distribution and
9 disbursement.--The department shall distribute and disburse
10 child support payments collected in Title IV-D cases in
11 accordance with 42 U.S.C. s. 657 and regulations adopted
12 thereunder by the Secretary of the United States Department of
13 Health and Human Services.

14 Section 21. Section 409.2559, Florida Statutes, is
15 created to read:

16 409.2559 State disbursement unit.--The department
17 shall establish and operate a state disbursement unit by
18 October 1, 1999, as required by 42 U.S.C. s. 654(27).

19 Section 22. Subsection (1) of section 409.2561,
20 Florida Statutes, is amended to read:

21 409.2561 Child support obligations when public
22 assistance is paid ~~Public assistance payments; reimbursement~~
23 ~~of obligation to department;~~ assignment of rights;
24 subrogation; medical and health insurance information.--

25 (1) Any payment of public assistance money made to, or
26 for the benefit of, any dependent child creates an obligation
27 in an amount equal to the amount of public assistance paid. In
28 accordance with 42 U.S.C. s. 657, the state shall retain
29 amounts collected only to the extent necessary to reimburse
30 amounts paid to the family as assistance by the state.If
31 there has been a prior court order or final judgment of

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1 dissolution of marriage establishing an obligation of support,
2 the obligation is limited to the amount provided by such court
3 order or decree, ~~pursuant to the applicable child support~~
4 ~~guidelines in s. 61.30.~~ The obligor shall discharge the
5 reimbursement obligation. If the obligor fails to discharge
6 the reimbursement obligation, the department may apply for a
7 contempt order to enforce reimbursement for support furnished.
8 The extraordinary remedy of contempt is applicable in child
9 support enforcement cases because of the public necessity for
10 ensuring that dependent children be maintained from the
11 resources of their parents, thereby relieving, at least in
12 part, the burden presently borne by the general citizenry
13 through the public assistance program. If there is no prior
14 court order establishing an obligation of support, the court
15 shall establish the liability of the obligor, if any, for
16 reimbursement of public assistance moneys paid, ~~by applying~~
17 ~~the child support guidelines in s. 61.30 for the public~~
18 ~~assistance period.~~ Priority shall be given to establishing
19 continuing reasonable support for the dependent child. The
20 department may apply for modification of a court order on the
21 same grounds as either party to the cause and shall have the
22 right to settle and compromise actions brought pursuant to
23 law.

24 Section 23. Subsections (8) and (9) of section
25 409.2564, Florida Statutes, are amended to read:

26 409.2564 Actions for support.--

27 (8) The director of the Title IV-D agency, or the
28 director's designee, is authorized to subpoena from any person
29 financial and other information ~~from any person~~ necessary to
30 establish, modify, or enforce a child support order. ~~The~~
31 ~~agency is authorized to impose a fine for failure to comply~~

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1 ~~with the subpoena.~~

2 (a) For the purpose of any investigation under this
3 chapter, any designated employee may administer oaths or
4 affirmations, subpoena witnesses and compel their attendance,
5 take evidence and require the production of any matter which
6 is relevant to the child support enforcement investigation,
7 including the existence, description, nature, custody,
8 condition, and location of any books, documents, or other
9 tangible things and the identity and location of persons
10 having knowledge of relevant facts or any other matter
11 reasonably calculated to lead to the discovery of material
12 evidence.

13 (b) Prior to making application to the court for an
14 order compelling compliance with a subpoena ~~imposition of a~~
15 ~~fine~~, the department shall issue a written notification of
16 noncompliance. Failure to comply within 15 days after ~~of~~
17 receipt of the written notification without good cause may
18 result in the ~~agency taking the following actions:~~

19 1. ~~Imposition of an administrative fine of not more~~
20 ~~than \$500;~~

21 2. ~~The~~ application by the Title IV-D agency to the
22 circuit court for an order compelling compliance with the
23 subpoena. The person who is determined to be in noncompliance
24 with the subpoena shall be liable for reasonable attorney's
25 fees and costs associated with the department bringing this
26 action upon showing by the department that the person failed
27 to comply with the request without good cause.

28 ~~(c) All fines collected pursuant to this section shall~~
29 ~~be made payable to the Child Support Enforcement Application~~
30 ~~Fee and Program Revenue Trust Fund.~~

31 (9) In cases in which support is subject to an

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1 assignment as provided under 45 C.F.R. s. 301.1 ~~required under~~
2 ~~s. 409.2561(2)~~, the Title IV-D agency shall, upon providing
3 notice to the obligor and obligee, direct the obligor or other
4 payor to change the payee to the appropriate depository.

5 Section 24. Subsection (1) of section 409.25641,
6 Florida Statutes, is amended to read:

7 409.25641 Procedures for processing automated
8 administrative interstate enforcement requests.--

9 (1) The Title IV-D agency shall use automated
10 administrative enforcement in response to a request from
11 another state to enforce a support order and shall promptly
12 report the results of enforcement action to the requesting
13 state. "Automated administrative enforcement" means the use of
14 automated data processing to search state databases and
15 determine whether information is available regarding the
16 parent who owes a child support obligation. ~~The Title IV-D~~
17 ~~agency shall respond within 5 business days to a request from~~
18 ~~another state to enforce a support order.~~

19 Section 25. Section 409.25658, Florida Statutes, is
20 created to read:

21 409.25658 Use of unclaimed property for past-due child
22 support.--

23 (1) In a joint effort to facilitate the collection and
24 payment of past-due child support, the Department of Revenue,
25 in cooperation with the Department of Banking and Finance,
26 shall identify persons owing child support collected through a
27 court who are presumed to have abandoned property held by the
28 Department of Banking and Finance.

29 (2) The department shall periodically provide the
30 Department of Banking and Finance with an electronic file of
31 child support obligors who owe past-due child support. The

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1 Department of Banking and Finance shall conduct a data match
2 of the file against all apparent owners of abandoned property
3 under chapter 717 and provide the resulting match list to the
4 department.

5 (3) Upon receipt of the data match list, the
6 department shall provide to the Department of Banking and
7 Finance the obligor's last known address. The Department of
8 Banking and Finance shall follow the notification procedures
9 under s. 717.118.

10 (4) Prior to paying an obligor's approved claim, the
11 Department of Banking and Finance shall notify the department
12 that such claim has been approved. Upon confirmation that the
13 Department of Banking and Finance has approved the claim, the
14 department shall immediately send a notice by certified mail
15 to the obligor, with a copy to the Department of Banking and
16 Finance, advising the obligor of the department's intent to
17 intercept the approved claim up to the amount of the past-due
18 child support, and informing the obligor of the obligor's
19 right to request a hearing under chapter 120. The Department
20 of Banking and Finance shall retain custody of the property
21 until a final order has been entered and any appeals thereon
22 have been concluded. If the obligor fails to request a
23 hearing, the department shall enter a final order instructing
24 the Department of Banking and Finance to transfer to the
25 department the property in the amount stated in the final
26 order. Upon such transfer, the Department of Banking and
27 Finance shall be released from further liability related to
28 the transferred property.

29 (5) The provisions of this section provide a
30 supplemental remedy and the department may use this remedy in
31 conjunction with any other method of collecting child support.

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1 Section 26. Section 409.2567, Florida Statutes, is
2 amended to read:
3 409.2567 Services to individuals not otherwise
4 eligible.--All child support services provided by the
5 department shall be made available on behalf of all dependent
6 children. Services shall be provided upon acceptance of public
7 assistance or upon proper application filed with the
8 department. The department shall adopt rules to provide for
9 the payment of a \$25 application fee from each applicant who
10 is not a public assistance recipient. The application fee
11 shall be deposited in the Child Support Enforcement
12 Application and Program Revenue ~~User Fee~~ Trust Fund within the
13 Department of Revenue to be used for the Child Support
14 Enforcement Program. The obligor is responsible for all
15 administrative costs, as defined in s. 409.2554. The court
16 shall order payment of administrative costs without requiring
17 the department to have a member of the bar testify or submit
18 an affidavit as to the reasonableness of the costs. An
19 attorney-client relationship exists only between the
20 department and the legal services providers in Title IV-D
21 cases. The attorney shall advise the obligee in Title IV-D
22 cases that the attorney represents the agency and not the
23 obligee. In Title IV-D cases, any costs, including filing
24 fees, recording fees, mediation costs, service of process
25 fees, and other expenses incurred by the clerk of the circuit
26 court, shall be assessed only against the nonprevailing
27 obligor after the court makes a determination of the
28 nonprevailing obligor's ability to pay such costs and fees. In
29 any case where the court does not award all costs, the court
30 shall state in the record its reasons for not awarding the
31 costs. The Department of Revenue shall not be considered a

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1 party for purposes of this section; however, fees may be
2 assessed against the department pursuant to s. 57.105(1). The
3 department shall submit a monthly report to the Governor and
4 the chairs of the Health and Human Services Fiscal
5 ~~Appropriations~~ Committee of the House of Representatives and
6 the Ways and Means Committee of the Senate specifying the
7 funds identified for collection from the noncustodial parents
8 of children receiving temporary assistance and the amounts
9 actually collected.

10 Section 27. Subsection (4) is added to section
11 409.2572, Florida Statutes, to read:

12 409.2572 Cooperation.--

13 (4) The Title IV-D agency shall determine whether an
14 applicant for or recipient of public assistance for a
15 dependent child has good cause for failing to cooperate with
16 the Title IV-D agency as required by this section.

17 Section 28. Section 409.2575, Florida Statutes, is
18 amended to read:

19 409.2575 Liens on motor vehicles and vessels.--

20 (1) The director of the state IV-D program, or the
21 director's designee, may cause a lien for unpaid and
22 delinquent support to be placed upon motor vehicles, as
23 defined in chapter 320, and upon vessels, as defined in
24 chapter 327, that are registered in the name of an obligor who
25 is delinquent in support payments, if the title to the
26 property is held by a lienholder, in the manner provided in
27 chapter 319 or chapter 328. Notice of lien shall not be
28 mailed unless the delinquency in support exceeds \$600.

29 (2) If the first lienholder fails, neglects, or
30 refuses to forward the certificate of title to the appropriate
31 department as requested pursuant to s. 319.24 or s. 328.15,

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1 the director of the IV-D program, or the director's designee,
 2 may apply to the circuit court for an order to enforce the
 3 requirements of s. 319.24 or s. 328.15, whichever applies.

4 Section 29. Paragraph (c) of subsection (3) of section
 5 409.2576, Florida Statutes, is amended to read:

6 409.2576 State Directory of New Hires; definitions;
 7 furnishing reports and data; matches to state registry;
 8 service of deduction notices; national registry; disclosure of
 9 information; rulemaking authority.--

10 (3) EMPLOYERS TO FURNISH REPORTS.--

11 (c) Pursuant to the federal Personal Responsibility
 12 and Work Opportunity Reconciliation Act of 1996, each party is
 13 required to provide his or her social security number in
 14 accordance with this section. Disclosure of social security
 15 numbers obtained through this requirement shall be limited to
 16 the purpose of administration of the Title IV-D program for
 17 child support enforcement and those programs listed in
 18 subsection (9).

19 (9) DISCLOSURE OF INFORMATION.--

20 (a) New hire information shall be disclosed to the
 21 state agency administering the following programs for the
 22 purposes of determining eligibility under those programs:

23 1. Any state program funded under part A of Title IV
 24 of the Social Security Act;

25 2. The Medicaid program under Title XIX of the Social
 26 Security Act;

27 3. The unemployment compensation program under s. 3304
 28 of the Internal Revenue Code of 1954;

29 4. The food stamp program under the Food Stamp Act of
 30 1977; and

31 5. Any state program under a plan approved under Title

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1 I (Old-Age Assistance for the Aged), Title X (Aid to the
2 Blind), Title XIV (Aid to the Permanently and Totally
3 Disabled), or Title XVI (Aid to the Aged, Blind, or Disabled;
4 Supplemental Security Income for the Aged, Blind, and
5 Disabled) of the Social Security Act.

6 (b) New hire information shall be disclosed to the
7 state agencies operating employment security and workers'
8 compensation programs for the purposes of administering such
9 programs.

10 Section 30. Paragraph (b) of subsection (2) and
11 subsection (3) of section 409.2578, Florida Statutes, are
12 amended to read:

13 409.2578 Access to employment information;
14 administrative fine.--

15 (2) Prior to imposition of a fine, the department
16 shall issue a written notification of noncompliance. Failure
17 to comply with the request within 15 days of receipt of the
18 written notification without good cause may result in the
19 agency taking the following actions:

20 (b) The application by the Title IV-D agency or its
21 designee, to the circuit court for an order ~~court~~ compelling
22 compliance. The person who is determined to be in
23 noncompliance with the request shall be liable for reasonable
24 attorney's fees and costs associated with the department
25 bringing this action upon showing by the department that the
26 person failed to comply with the request without good cause.

27 (3) All fines collected pursuant to this section shall
28 be made payable to the Child Support Enforcement Application
29 ~~Fee~~ and Program Revenue Trust Fund.

30 Section 31. Subsections (1), (3), (4), and (5) of
31 section 409.2579, Florida Statutes, are amended to read:

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1 409.2579 Safeguarding Title IV-D case file
2 information.--

3 (1) Information concerning applicants for or
4 recipients of Title IV-D child support services is
5 confidential and exempt from the provisions of s. 119.07(1).
6 The use or disclosure of such information by the IV-D program
7 is limited to purposes directly connected with:

8 (a) The administration of the plan or program approved
9 under part A, part B, part D, part E, or part F of Title IV;
10 under Title II, Title X, Title XIV, Title XVI, Title XIX, or
11 Title XX; or under the supplemental security income program
12 established under Title XVI of the Social Security Act;

13 (b) Any investigation, prosecution, or criminal or
14 civil proceeding connected with the administration of any such
15 plan or program;

16 (c) The administration of any other federal or
17 federally assisted program which provides service or
18 assistance, in cash or in kind, directly to individuals on the
19 basis of need; ~~and~~

20 (d) Reporting to an appropriate agency or official,
21 information on known or suspected instances of physical or
22 mental injury, child abuse, sexual abuse or exploitation, or
23 negligent treatment or maltreatment of a child who is the
24 subject of a child support enforcement activity under
25 circumstances which indicate that the child's health or
26 welfare is threatened thereby; and.

27 (e) Mandatory disclosure of identifying and location
28 information as provided in s. 61.13(9) by the IV-D program
29 when providing Title IV-D services.

30 (3) As required by federal law, 42 U.S.C. s. 654(26),
31 upon notice that such an order exists, the IV-D program shall

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1 not disclose information on the whereabouts of one party or
2 the child to the other party against whom a protective order
3 with respect to the former party or the child has been
4 entered.

5 (4) As required by federal law, 42 U.S.C. s. 654(26),
6 the IV-D program shall not disclose information on the
7 whereabouts of one party or the child to another person ~~party~~
8 if the program has reason to believe that the release of
9 information to that person may result in physical or emotional
10 harm to the ~~former~~ party or the child.

11 (5) The Department of Revenue ~~Children and Family~~
12 ~~Services~~ is authorized to establish, by rule, procedures to
13 implement this section.

14 (6) Any person who willfully and knowingly violates
15 any of the provisions of this section is guilty of a
16 misdemeanor of the first degree punishable as provided in s.
17 775.082 or s. 775.083.

18 Section 32. Subsection (7) of section 414.095, Florida
19 Statutes, is amended to read:

20 414.095 Determining eligibility for the WAGES
21 Program.--

22 (7) CHILD SUPPORT ENFORCEMENT.--As a condition of
23 eligibility for public ~~temporary cash~~ assistance, the family
24 must cooperate with the state agency responsible for
25 administering the child support enforcement program in
26 establishing the paternity of the child, if the child is born
27 out of wedlock, and in obtaining support for the child or for
28 the parent or caretaker relative and the child. Cooperation is
29 defined as:

30 (a) Assisting in identifying and locating a
31 noncustodial parent and providing complete and accurate

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1 information on that parent;

2 (b) Assisting in establishing paternity; and

3 (c) Assisting in establishing, modifying, or enforcing
4 a support order with respect to a child of a family member.

5

6 This subsection does not apply if the state agency that
7 administers the child support enforcement program determines
8 that the parent or caretaker relative has good cause for
9 failing to cooperate.

10 Section 33. Paragraph (a) of subsection (1) of section
11 414.32, Florida Statutes, is amended to read:

12 414.32 Prohibitions and restrictions with respect to
13 food stamps.--

14 (1) COOPERATION WITH CHILD SUPPORT ENFORCEMENT
15 AGENCY.--

16 (a) A parent or caretaker relative who receives
17 temporary cash assistance or food stamps on behalf of a child
18 under 18 years of age who has an absent parent is ineligible
19 for food stamps unless the parent or caretaker relative
20 cooperates with the state agency that administers the child
21 support enforcement program in establishing the paternity of
22 the child, if the child is born out of wedlock, and in
23 obtaining support for the child or for the parent or caretaker
24 relative and the child. This paragraph does not apply if the
25 state agency that administers the child support enforcement
26 program determines that the parent or caretaker relative has
27 good cause for failing to cooperate ~~in establishing the~~
28 ~~paternity of the child.~~

29 Section 34. Paragraph (b) of subsection (3) of section
30 443.051, Florida Statutes, is amended to read:

31 443.051 Benefits not alienable; exception, child

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1 support intercept.--

2 (3) EXCEPTION, CHILD SUPPORT INTERCEPT.--

3 (b) The division shall deduct and withhold from any
4 unemployment compensation otherwise payable to an individual
5 who owes child support obligations:

6 1. The amount specified by the individual to the
7 division to be deducted and withheld under this section;

8 2. The amount determined pursuant to an agreement
9 submitted to the division under s. 454(20)(B)(i) of the Social
10 Security Act by the state or local child support enforcement
11 agency; or

12 3. Any amount otherwise required to be deducted and
13 withheld from such unemployment compensation through legal
14 process as defined in s. 459 ~~s. 462(e)~~ of the Social Security
15 Act.

16 Section 35. Subsection (2) of section 443.1715,
17 Florida Statutes, is amended to read:

18 443.1715 Disclosure of information; confidentiality.--

19 (2) DISCLOSURE OF INFORMATION.--Subject to such
20 restrictions as the division prescribes by rule, information
21 declared confidential under this section may be made available
22 to any agency of this or any other state, or any federal
23 agency, charged with the administration of any unemployment
24 compensation law or the maintenance of a system of public
25 employment offices, or the Bureau of Internal Revenue of the
26 United States Department of the Treasury, or the Florida
27 Department of Revenue and information obtained in connection
28 with the administration of the employment service may be made
29 available to persons or agencies for purposes appropriate to
30 the operation of a public employment service or a
31 job-preparatory or career education or training program. The

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1 division shall on a quarterly basis, furnish the National
2 Directory of New Hires with information ~~extracts of the~~
3 ~~reports required under s. 303(a)(6) of the Social Security Act~~
4 ~~(42 U.S.C. s. 503) to be made to the Secretary of Labor~~
5 concerning the wages and unemployment compensation paid to
6 individuals, by such dates, in such format and containing such
7 information as the Secretary of Health and Human Services
8 shall specify in regulations. Upon request therefor, the
9 division shall furnish any agency of the United States charged
10 with the administration of public works or assistance through
11 public employment, and may furnish to any state agency
12 similarly charged, the name, address, ordinary occupation, and
13 employment status of each recipient of benefits and such
14 recipient's rights to further benefits under this chapter.
15 Except as otherwise provided by law, the receiving agency must
16 retain the confidentiality of such information as provided in
17 this section. The division may request the Comptroller of the
18 Currency of the United States to cause an examination of the
19 correctness of any return or report of any national banking
20 association rendered pursuant to the provisions of this
21 chapter and may in connection with such request transmit any
22 such report or return to the Comptroller of the Currency of
23 the United States as provided in s. 3305(c) of the federal
24 Internal Revenue Code.

25 Section 36. Subsection (9) of section 455.213, Florida
26 Statutes, is amended to read:

27 455.213 General licensing provisions.--

28 (9) Pursuant to the federal Personal Responsibility
29 and Work Opportunity Reconciliation Act of 1996, each party is
30 required to provide his or her social security number in
31 accordance with this section. Disclosure of social security

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1 numbers obtained through this requirement shall be limited to
2 the purpose of administration of the Title IV-D program for
3 child support enforcement and use by the Department of
4 Business and Professional Regulation, and as otherwise
5 provided by law.

6 Section 37. Section 741.04, Florida Statutes, is
7 amended to read:

8 741.04 Marriage license issued.--No county court judge
9 or clerk of the circuit court in this state shall issue a
10 license for the marriage of any person unless there shall be
11 first presented and filed with him or her an affidavit in
12 writing, signed by both parties to the marriage, providing the
13 social security numbers or other identification numbers of
14 each party, made and subscribed before some person authorized
15 by law to administer an oath, reciting the true and correct
16 ages of such parties; unless both such parties shall be over
17 the age of 18 years, except as provided in s. 741.0405; and
18 unless one party is a male and the other party is a female.
19 Pursuant to the federal Personal Responsibility and Work
20 Opportunity Reconciliation Act of 1996, each party is required
21 to provide his or her social security number in accordance
22 with this section. However, when an individual is not a
23 citizen of the United States and does not have a social
24 security number, alien registration documentation, or other
25 proof of immigration registration from the United States
26 Immigration and Naturalization Service that contains the
27 individual's alien admission number or alien file number, or
28 such other documents as the state determines constitutes
29 reasonable evidence indicating a satisfactory immigration
30 status, shall be provided in lieu of the social security
31 number. Disclosure of social security numbers or other

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1 identification numbers obtained through this requirement shall
2 be limited to the purpose of administration of the Title IV-D
3 program for child support enforcement.

4 Section 38. Subsection (2) of section 742.032, Florida
5 Statutes, is amended to read:

6 742.032 Filing of location information.--

7 (2) Beginning July 1, 1997, in any subsequent Title
8 IV-D child support enforcement action between the parties,
9 upon sufficient showing that diligent effort has been made to
10 ascertain the location of such a party, the court of competent
11 jurisdiction shall ~~tribunal may~~ deem state due process
12 requirements for notice and service of process to be met with
13 respect to the party upon delivery of written notice to the
14 most recent residential or employer address filed with the
15 tribunal and State Case Registry under subsection (1).
16 Beginning October 1, 1998, in any subsequent non-Title IV-D
17 child support enforcement action between the parties, the same
18 requirements for service shall apply.

19 Section 39. Subsection (6) of section 61.14, Florida
20 Statutes, is amended to read:

21 61.14 Enforcement and modification of support,
22 maintenance, or alimony agreements or orders.--

23 (6)(a)1. When support payments are made through the
24 local depository, any payment or installment of support which
25 becomes due and is unpaid under any support order is
26 delinquent; and this unpaid payment or installment, and all
27 other costs and fees herein provided for, become, after notice
28 to the obligor and the time for response as set forth in this
29 subsection, a final judgment by operation of law, which has
30 the full force, effect, and attributes of a judgment entered
31 by a court in this state for which execution may issue. No

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1 deduction shall be made by the local depository from any
2 payment made for costs and fees accrued in the judgment by
3 operation of law process under paragraph (b) until the total
4 amount of support payments due the obligee under the judgment
5 has been paid.

6 2. A certified copy of the support order and a
7 certified statement by the local depository evidencing a
8 delinquency in support payments constitute evidence of the
9 final judgment under this paragraph.

10 3. The judgment under this paragraph is a final
11 judgment as to any unpaid payment or installment of support
12 which has accrued up to the time either party files a motion
13 with the court to alter or modify the support order, and such
14 judgment may not be modified by the court. The court may
15 modify such judgment as to any unpaid payment or installment
16 of support which accrues after the date of the filing of the
17 motion to alter or modify the support order. This
18 subparagraph does not prohibit the court from providing relief
19 from the judgment pursuant to Florida Rule of Civil Procedure
20 1.540.

21 (b)1. When an obligor is 15 days delinquent in making
22 a payment or installment of support, the local depository
23 shall serve notice on the obligor informing him or her of:

- 24 a. The delinquency and its amount.
25 b. An impending judgment by operation of law against
26 him or her in the amount of the delinquency and all other
27 amounts which thereafter become due and are unpaid, together
28 with costs and a fee of \$5, for failure to pay the amount of
29 the delinquency.
30 c. The obligor's right to contest the impending
31 judgment and the ground upon which such contest can be made.

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1 d. The local depository's authority to release
2 information regarding the delinquency to one or more credit
3 reporting agencies.

4 2. The local depository shall serve the notice by
5 mailing it by first class mail to the obligor at his or her
6 last address of record with the local depository. If the
7 obligor has no address of record with the local depository,
8 service shall be by publication as provided in chapter 49.

9 3. When service of the notice is made by mail, service
10 is complete on the date of mailing.

11 (c) Within 15 days after service of the notice is
12 complete, the obligor may file with the court that issued the
13 support order, or with the court in the circuit where the
14 local depository which served the notice is located, a motion
15 to contest the impending judgment. An obligor may contest the
16 impending judgment only on the ground of a mistake of fact
17 regarding an error in whether a delinquency exists, in the
18 amount of the delinquency, or in the identity of the obligor.

19 (d) The court shall hear the obligor's motion to
20 contest the impending judgment within 15 days after the date
21 of the filing of the motion. Upon the court's denial of the
22 obligor's motion, the amount of the delinquency and all other
23 amounts which thereafter become due, together with costs and a
24 fee of \$5, become a final judgment by operation of law against
25 the obligor. The depository shall charge interest at the rate
26 established in s. 55.03 on all judgments for child support.

27 (e) If the obligor fails to file a motion to contest
28 the impending judgment within the time limit prescribed in
29 paragraph (c) and fails to pay the amount of the delinquency
30 and all other amounts which thereafter become due, together
31 with costs and a fee of \$5, such amounts become a final

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1 judgment by operation of law against the obligor at the
2 expiration of the time for filing a motion to contest the
3 impending judgment.

4 (f)1. Upon request of any person, the local depository
5 shall issue, upon payment of a fee of \$5, a payoff statement
6 of the total amount due under the judgment at the time of the
7 request. The statement may be relied upon by the person for up
8 to 30 days from the time it is issued unless proof of
9 satisfaction of the judgment is provided.

10 2. When the depository records show that the obligor's
11 account is current, the depository shall record a satisfaction
12 of the judgment upon request of any interested person and upon
13 receipt of the appropriate recording fee. Any person shall be
14 entitled to rely upon the recording of the satisfaction.

15 3. The local depository, at the direction of the
16 department, or the obligee in a non-IV-D case, may partially
17 release the judgment as to specific real property, and the
18 depository shall record a partial release upon receipt of the
19 appropriate recording fee.

20 4. The local depository is not liable for errors in
21 its recordkeeping, except when an error is a result of
22 unlawful activity or gross negligence by the clerk or his or
23 her employees.

24 Section 40. Section 61.046, Florida Statutes, is
25 amended to read:

26 61.046 Definitions.--As used in this chapter:

27 (1) "Business day" means any day other than a
28 Saturday, Sunday, or legal holiday.

29 (2) "Clerk of Court Child Support Collection System"
30 or "CLERC System" means the automated system established
31 pursuant to s. 61.181(2)(b)1., integrating all clerks of court

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1 and depositories and through which payment data and State Case
2 Registry data is transmitted to the department's automated
3 child support enforcement system.

4 (3)(1) "Custodial parent" or "primary residential
5 parent" means the parent with whom the child maintains his or
6 her primary residence.

7 (4)(2) "Department" means the Department of Revenue.

8 (5)(3) "Depository" means the central governmental
9 depository established pursuant to s. 61.181, created by
10 special act of the Legislature or other entity established
11 before June 1, 1985, to perform depository functions and to
12 receive, record, report, disburse, monitor, and otherwise
13 handle alimony and child support payments not otherwise
14 required to be processed by the State Disbursement Unit.

15 (6) "Federal Case Registry of Child Support Orders"
16 means the automated registry of support order abstracts and
17 other information established and maintained by the United
18 States Department of Health and Human Services as provided by
19 42 U.S.C. s. 653(h).

20 (7)(4) "Income" means any form of payment to an
21 individual, regardless of source, including, but not limited
22 to: wages, salary, commissions and bonuses, compensation as an
23 independent contractor, worker's compensation, disability
24 benefits, annuity and retirement benefits, pensions,
25 dividends, interest, royalties, trusts, and any other
26 payments, made by any person, private entity, federal or state
27 government, or any unit of local government. United States
28 Department of Veterans Affairs disability benefits and
29 unemployment compensation, as defined in chapter 443, are
30 excluded from this definition of income except for purposes of
31 establishing an amount of support.

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1 ~~(8)(5)~~ "IV-D" means services provided pursuant to
2 Title IV-D of the Social Security Act, 42 U.S.C. ss. 651 et
3 seq s. 1302.

4 ~~(9)(6)~~ "Local officer" means an elected or appointed
5 constitutional or charter government official including, but
6 not limited to, the state attorney and clerk of the circuit
7 court.

8 ~~(10)(7)~~ "Noncustodial parent" means the parent with
9 whom the child does not maintain his or her primary residence.

10 ~~(11)(8)~~ "Obligee" means the person to whom payments
11 are made pursuant to an order establishing, enforcing, or
12 modifying an obligation for alimony, for child support, or for
13 alimony and child support.

14 ~~(12)(9)~~ "Obligor" means a person responsible for
15 making payments pursuant to an order establishing, enforcing,
16 or modifying an obligation for alimony, for child support, or
17 for alimony and child support.

18 ~~(13)(10)~~ "Payor" means an employer or former employer
19 or any other person or agency providing or administering
20 income to the obligor.

21 ~~(14)(11)~~ "Shared parental responsibility" means a
22 court-ordered relationship in which both parents retain full
23 parental rights and responsibilities with respect to their
24 child and in which both parents confer with each other so that
25 major decisions affecting the welfare of the child will be
26 determined jointly.

27 ~~(15)(12)~~ "Sole parental responsibility" means a
28 court-ordered relationship in which one parent makes decisions
29 regarding the minor child.

30 ~~(16)(13)~~ "State Case Registry" means the automated a
31 registry maintained by the Title IV-D agency, containing

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1 records of each Title IV-D case and of each support order
2 established or modified in the state on or after October 1,
3 1998. Such records shall consist of data elements as required
4 by the United States Secretary of Health and Human Services.
5 ~~for information related to paternity and child support orders~~
6 ~~for Title IV-D. Beginning October 1, 1998, information~~
7 ~~related to non-Title IV-D cases established or modified in the~~
8 ~~state shall be maintained in the registry.~~

9 (17) "State Disbursement Unit" means the unit
10 established and operated by the Title IV-D agency to provide
11 one central address for collection and disbursement of child
12 support payments made in cases enforced by the department
13 pursuant to Title IV-D of the Social Security Act and in cases
14 not being enforced by the department in which the support
15 order was initially issued in this state on or after January
16 1, 1994, and in which the obligor's child support obligation
17 is being paid through income deduction order.

18 (18) "Support order" means a judgment, decree, or
19 order, whether temporary or final, issued by a court of
20 competent jurisdiction for the support and maintenance of a
21 child which provides for monetary support, health care,
22 arrearages, or past support.

23 Section 41. Subsections (1) and (2) and paragraph (a)
24 of subsection (3) of section 61.181, Florida Statutes, are
25 amended to read:

26 61.181 Central depository for receiving, recording,
27 reporting, monitoring, and disbursing alimony, support,
28 maintenance, and child support payments; fees.--

29 (1) The office of the clerk of the court shall operate
30 a depository unless the depository is otherwise created by
31 special act of the Legislature or unless, prior to June 1,

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1 1985, a different entity was established to perform such
2 functions. The department shall, no later than July 1, 1998,
3 extend participation in the federal child support cost
4 reimbursement program to the central depository in each
5 county, to the maximum extent possible under existing federal
6 law. The depository shall receive reimbursement for services
7 provided under a cooperative agreement with the department
8 pursuant to s. 61.1826. Each depository shall participate in
9 the State Disbursement Unit and shall implement all statutory
10 and contractual duties imposed on the State Disbursement Unit.
11 Each depository shall receive from and transmit to the State
12 Disbursement Unit required data through the Clerk of Court
13 Child Support Enforcement Collection System. Payments on
14 non-Title IV-D cases without income deduction orders shall not
15 be sent to the State Disbursement Unit ~~as provided by federal~~
16 law.

17 (2)(a) For payments not required to be processed
18 through the State Disbursement Unit, the depository shall
19 impose and collect a fee on each payment made for receiving,
20 recording, reporting, disbursing, monitoring, or handling
21 alimony or child support payments as required under this
22 section, which fee shall be a flat fee based, to the extent
23 practicable, upon estimated reasonable costs of operation.
24 The fee shall be reduced in any case in which the fixed fee
25 results in a charge to any party of an amount greater than 3
26 percent of the amount of any support payment made in
27 satisfaction of the amount which the party is obligated to
28 pay, except that no fee shall be less than \$1 nor more than \$5
29 per payment made. The fee shall be considered by the court in
30 determining the amount of support that the obligor is, or may
31 be, required to pay.

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1 (b)1. For the period of July 1, 1992, through June 30,
2 2002 ~~1999~~, the fee imposed in paragraph (a) shall be increased
3 to 4 percent of the support payments which the party is
4 obligated to pay, except that no fee shall be more than \$5.25.
5 The fee shall be considered by the court in determining the
6 amount of support that the obligor is, or may be, required to
7 pay. Notwithstanding the provisions of s. 145.022, 75 percent
8 of the additional revenues generated by this paragraph shall
9 be remitted monthly to the Clerk of the Court Child Support
10 Enforcement Collection System Trust Fund administered by the
11 department as provided in subparagraph 2. These funds shall
12 be used exclusively for the development, implementation, and
13 operation of the Clerk of the Court ~~an automated~~ Child Support
14 Enforcement Collection ~~Collections~~ System to be operated by
15 the depositories, including the automation of civil case
16 information necessary for the State Case Registry. The
17 department shall contract with the Florida Association of
18 Court Clerks ~~and Comptrollers~~ and the depositories to design,
19 establish, operate, upgrade, and maintain the automation of
20 the depositories to include, but not be limited to, the
21 provision of on-line electronic transfer of information to the
22 IV-D agency as otherwise required by this chapter. The
23 department's obligation to fund the automation of the
24 depositories is limited to the state share of funds available
25 in the Clerk of the Court Child Support Enforcement Collection
26 System Trust Fund. Each depository created under this section
27 shall fully participate in the Clerk of the Court ~~automated~~
28 Child Support Enforcement Collection System ~~on or before July~~
29 ~~1, 1997~~, and transmit data in a readable format as required by
30 the contract between the Florida Association of Court Clerks
31 ~~and Comptrollers~~ and the department. ~~The department may at~~

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1 ~~its discretion exempt a depository from compliance with full~~
2 ~~participation in the automated child support enforcement~~
3 ~~collection system.~~

4 2. No later than December 31, 1996, moneys to be
5 remitted to the department by the depository shall be done
6 daily by electronic funds transfer and calculated as follows:

7 a. For each support payment of less than \$33, 18.75
8 cents.

9 b. For each support payment between \$33 and \$140, an
10 amount equal to 18.75 percent of the fee charged.

11 c. For each support payment in excess of \$140, 18.75
12 cents.

13 3. Prior to June 30, 1995, the depositories and the
14 department shall provide the Legislature with estimates of the
15 cost of continuing the collection and maintenance of
16 information required by this act.

17 4. The fees established by this section shall be set
18 forth and included in every order of support entered by a
19 court of this state which requires payment to be made into the
20 depository.

21 (3)(a) For payments not required to be processed
22 through the State Disbursement Unit, the depository shall
23 collect and distribute all support payments paid into the
24 depository to the appropriate party. On or after July 1, 1998,
25 if a payment is made on a Title IV-D case which is not
26 accompanied by the required transaction fee, the depository
27 shall not deduct any moneys from the support payment for
28 payment of the fee. Nonpayment of the required fee shall be
29 considered a delinquency, and when the total of fees and costs
30 which are due but not paid exceeds \$50, the judgment by
31 operation of law process set forth in s. 61.14(6)(a) shall

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1 become applicable and operational. As part of its collection
2 and distribution functions, the depository shall maintain
3 records listing:

4 1. The obligor's name, address, social security
5 number, place of employment, and any other sources of income.

6 2. The obligee's name, address, and social security
7 number.

8 3. The amount of support due as provided in the court
9 order.

10 4. The schedule of payment as provided in the court
11 order.

12 5. The actual amount of each support payment received,
13 the date of receipt, the amount disbursed, and the recipient
14 of the disbursement.

15 6. The unpaid balance of any arrearage due as provided
16 in the court order.

17 7. Other records as necessary to comply with federal
18 reporting requirements.

19 Section 42. Section 61.1824, Florida Statutes, is
20 created to read:

21 61.1824 State Disbursement Unit.--

22 (1) The State Disbursement Unit is hereby created and
23 shall be operated by the Department of Revenue or by a
24 contractor responsible directly to the department. The State
25 Disbursement Unit shall be responsible for the collection and
26 disbursement of payments for:

27 (a) All child support cases enforced by the department
28 pursuant to Title IV-D of the Social Security Act; and

29 (b) All child support cases not being enforced by the
30 department pursuant to Title IV-D of the Social Security Act

31 in which the initial support order was issued in this state on

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1 or after January 1, 1994, and in which the obligor's child
2 support obligation is being paid through income deduction.

3 (2) The State Disbursement Unit must be operated in
4 coordination with the department's child support enforcement
5 automated system in Title IV-D cases.

6 (3) The State Disbursement Unit shall perform the
7 following functions:

8 (a) Disburse all receipts from intercepts, including,
9 but not limited to, United States Internal Revenue Service,
10 unemployment compensation, lottery, and administrative offset
11 intercepts.

12 (b) Provide employers and payors with one address to
13 which all income deduction collections are sent.

14 (c) When there is more than one income deduction order
15 being enforced against the same obligor by the payor, allocate
16 the amounts available for income deduction in the manner set
17 forth in s. 61.1301.

18 (d) To the extent feasible, use automated procedures
19 for the collection and disbursement of support payments,
20 including, but not limited to, having procedures for:

21 1. Receipt of payments from obligors, employers, other
22 states and jurisdictions, and other entities.

23 2. Timely disbursement of payments to obligees, the
24 department, and other state Title IV-D agencies.

25 3. Accurate identification of payment source and
26 amount.

27 4. Furnishing any parent, upon request, timely
28 information on the current status of support payments under an
29 order requiring payments to be made by or to the parent,
30 except that in cases described in paragraph (1)(b), prior to
31 the date the State Disbursement Unit becomes fully

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1 operational, the State Disbursement Unit shall not be required
2 to convert and maintain in automated form records of payments
3 kept pursuant to s. 61.181.

4 (e) Information regarding disbursement must be
5 transmitted in the following manner:

6 1. In Title IV-D cases, the State Disbursement Unit
7 shall transmit, in an electronic format as prescribed by the
8 department, all required information to the department on the
9 same business day the information is received from the
10 employer or other source of periodic income, if sufficient
11 information identifying the payee is provided. The department
12 shall determine distribution allocation of a collection and
13 shall electronically transmit that information to the State
14 Disbursement Unit, whereupon the State Disbursement Unit shall
15 disburse the collection. The State Disbursement Unit may delay
16 the disbursement of payments toward arrearages until the
17 resolution of any timely appeal with respect to such
18 arrearages. The State Disbursement Unit may delay the
19 disbursement of Title IV-D collections until authorization by
20 the Title IV-D agency has been received.

21 2. In non-Title IV-D cases payment information is not
22 transmitted to the department. The State Disbursement Unit may
23 delay the disbursement of payments toward arrearages until the
24 resolution of any timely appeal with respect to such
25 arrearages.

26 (f) Reconcile all cash receipts and all disbursements
27 daily and provide the department with a daily reconciliation
28 report in a format as prescribed by the department.

29 (g) Disburse child support payments to foreign
30 countries as may be required.

31 (h) Receive and convert child support payments made in

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1 foreign currency.

2 (i) Remit to the department payments for costs due the
3 department.

4 (j) Handle insufficient funds payments, claims of lost
5 or stolen checks, and stop payment orders.

6 (k) Issue billing notices and statements of account,
7 in accordance with federal requirements, in a format and
8 frequency prescribed by the department to persons who pay and
9 receive child support in Title IV-D cases.

10 (l) Provide the department with a weekly report that
11 summarizes and totals all financial transaction activity.

12 (m) Provide toll-free access to customer assistance
13 representatives and an automated voice response system that
14 will enable the parties to a child support case to obtain
15 payment information.

16 (4) For cases in which the obligor or payor fails to
17 submit payment directly to the central address provided by the
18 State Disbursement Unit, the depositories shall have
19 procedures for accepting a support payment tendered in the
20 form of cash or a check drawn on the account of a payor or
21 obligor, unless the payor or obligor has previously remitted a
22 check which was returned to the depository due to lack of
23 sufficient funds in the account. If the payor or obligor has
24 had a check returned for this reason, the depository shall
25 accept payment by cash, cashier's check, or money order, or
26 may accept a check upon deposit by the payor or obligor of an
27 amount equal to 1 month's payment. Upon payment by cash,
28 cashier's check, or money order, the depository shall remit
29 the payment to the State Disbursement Unit within 1 business
30 day after receipt.

31 (5) Obligees receiving payments through the State

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1 Disbursement Unit shall inform the State Disbursement Unit of
2 changes in their names and addresses. Notification of all
3 changes must be made directly to the State Disbursement Unit
4 within 7 business days after a change. In Title IV-D cases,
5 the State Disbursement Unit shall transmit the information to
6 the department, in an electronic format prescribed by the
7 department, within 1 business day after receipt.

8 Section 43. Section 61.1825, Florida Statutes, is
9 created to read:

10 61.1825 State Case Registry.--

11 (1) The Department of Revenue or its agent shall
12 operate and maintain a State Case Registry as provided by 42
13 U.S.C. s. 654A. The State Case Registry must contain records
14 for:

15 (a) Each case in which services are being provided by
16 the department as the state's Title IV-D agency; and

17 (b) By October 1, 1998, each support order established
18 or modified in the state on or after October 1, 1998, in which
19 services are not being provided by the Title IV-D agency.

20
21 The department shall maintain that part of the State Case
22 Registry that includes support order information for Title
23 IV-D cases on the department's child support enforcement
24 automated system.

25 (2) By October 1, 1998, for each support order
26 established or modified by a court of this state on or after
27 October 1, 1998, the depository for the court that enters the
28 support order in a non-Title IV-D case shall provide, in an
29 electronic format prescribed by the department, the following
30 information to that component of the State Case Registry that
31 receives, maintains, and transmits support order information

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1 for non-Title IV-D cases:

2 (a) The name of the obligor, obligee, and child or
3 children;

4 (b) The social security number of the obligor,
5 obligee, and child or children;

6 (c) The date of birth of the obligor, obligee, and
7 child or children;

8 (d) Whether a family violence indicator is present or
9 if a court order has been entered against a party in a
10 domestic violence or protective action;

11 (e) The date the support order was established or
12 modified;

13 (f) The case identification number, which is the
14 two-digit numeric county code followed by the civil circuit
15 case number;

16 (g) The federal information processing system numeric
17 designation for the county and state where the support order
18 was established or modified; and

19 (h) Any other data as may be required by the United
20 States Secretary of Health and Human Services.

21 (3) The depository, using standardized data elements,
22 shall provide the support order information required by
23 subsection (2) to the entity that maintains the non-Title IV-D
24 support order information for the State Case Registry at a
25 frequency and in a format prescribed by the department.

26 (4) The entity that maintains State Case Registry
27 information for non-Title IV-D cases shall make the
28 information available to the department in a readable and
29 searchable electronic format that is compatible with the
30 department's automated child support enforcement system.

31 (5) State Case Registry information must be

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1 transmitted electronically to the Federal Case Registry of
2 Child Support Orders by the department in a manner and
3 frequency prescribed by the United States Secretary of Health
4 and Human Services.

5 Section 44. Section 61.1826, Florida Statutes, is
6 created to read:

7 61.1826 Procurement of services for State Disbursement
8 Unit and the non-Title IV-D component of the State Case
9 Registry; contracts and cooperative agreements; penalties;
10 withholding payment.--

11 (1) LEGISLATIVE FINDINGS.--The Legislature finds that
12 the clerks of court play a vital role, as essential
13 participants in the establishment, modification, collection,
14 and enforcement of child support, in securing the health,
15 safety, and welfare of the children of this state. The
16 Legislature further finds and declares that:

17 (a) It is in the state's best interest to preserve the
18 essential role of the clerks of court in disbursing child
19 support payments and maintaining official records of child
20 support orders entered by the courts of this state.

21 (b) As official recordkeeper for matters relating to
22 court-ordered child support, the clerks of court are necessary
23 parties to obtaining, safeguarding, and providing child
24 support payment and support order information.

25 (c) As provided by the Federal Personal Responsibility
26 and Work Opportunity Reconciliation Act of 1996, the state
27 must establish and operate a State Case Registry in full
28 compliance with federal law by October 1, 1998, and a State
29 Disbursement Unit by October 1, 1999.

30 (d) Noncompliance with federal law could result in a
31 substantial loss of federal funds for the state's child

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1 support enforcement program and the temporary assistance for
2 needy families welfare block grant.

3 (e) The potential loss of substantial federal funds
4 poses a direct and immediate threat to the health, safety, and
5 welfare of the children and citizens of the state and
6 constitutes an emergency for purposes of s. 287.057(3)(a).

7 (f) The clerks of court maintain the official payment
8 record of the court for amounts received, payments credited,
9 arrearages owed, liens attached, and current mailing addresses
10 of all parties, payor, obligor, and payee.

11 (g) The clerks of court have established a statewide
12 Clerk of Court Child Support Enforcement Collection System for
13 the automation of all payment processing using state and local
14 government funds as provided under s. 61.181(2)(b)1.

15 (h) The Legislature acknowledges the improvements made
16 by and the crucial role of the Clerk of the Court Child
17 Support Enforcement Collection System in speeding payments to
18 the children of Florida.

19 (i) There is no viable alternative to continuing the
20 role of the clerks of court in collecting, safeguarding, and
21 providing essential child support payment information.

22
23 For these reasons, the Legislature hereby directs the
24 Department of Revenue, subject to the provisions of subsection
25 (6), to contract with the Florida Association of Court Clerks
26 and each depository to perform duties with respect to the
27 operation and maintenance of a State Disbursement Unit and the
28 non-Title IV-D component of the State Case Registry as further
29 provided by this section.

30 (2) COOPERATIVE AGREEMENTS.--Each depository shall
31 enter into a standard cooperative agreement with the

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1 department for participation in the State Disbursement Unit
2 and the non-Title IV-D component of the State Case Registry
3 through the Clerk of Court Child Support Enforcement
4 Collection System within 60 days after the effective date of
5 this section. The cooperative agreement shall be a uniform
6 document, mutually developed by the department and the Florida
7 Association of Court Clerks, that applies to all depositories
8 and complies with all state and federal requirements. Each
9 depository shall also enter into a written agreement with the
10 Florida Association of Court Clerks and the department within
11 60 days after the effective date of this section that requires
12 each depository to participate fully in the State Disbursement
13 Unit and the non-Title IV-D component of the State Case
14 Registry.

15 (3) CONTRACT.--The Florida Association of Court Clerks
16 shall enter into a written contract with the department that
17 fully complies with all federal and state laws within 60 days
18 after the effective date of this section. The contract shall
19 be mutually developed by the department and the Florida
20 Association of Court Clerks. As required by s. 287.057 and 45
21 C.F.R. s. 74.43, any subcontracts entered into by the Florida
22 Association of Court Clerks, except for a contract between the
23 Florida Association of Court Clerks and its totally owned
24 subsidiary corporation, must be procured through competitive
25 bidding.

26 (4) COOPERATIVE AGREEMENT AND CONTRACT TERMS.--The
27 contract between the Florida Association of Court Clerks and
28 the department, and cooperative agreements entered into by the
29 depositories and the department, must contain, but are not
30 limited to, the following terms:

31 (a) The initial term of the contract and cooperative

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1 agreements is for 5 years. The subsequent term of the contract
2 and cooperative agreements is for 3 years, with the option of
3 two 1-year renewal periods, at the sole discretion of the
4 department.

5 (b) The duties and responsibilities of the Florida
6 Association of Court Clerks, the depositories, and the
7 department.

8 (c) Under s. 287.058(1)(a), all providers and
9 subcontractors shall submit to the department directly, or
10 through the Florida Association of Court Clerks, a report of
11 monthly expenditures in a format prescribed by the department
12 and in sufficient detail for a proper preaudit and postaudit
13 thereof.

14 (d) All providers and subcontractors shall submit to
15 the department directly, or through the Florida Association of
16 Court Clerks, management reports in a format prescribed by the
17 department.

18 (e) All subcontractors shall comply with chapter 280,
19 as may be required.

20 (f) Federal financial participation for eligible Title
21 IV-D expenditures incurred by the Florida Association of Court
22 Clerks and the depositories shall be at the maximum level
23 permitted by federal law for expenditures incurred for the
24 provision of services in support of child support enforcement
25 in accordance with 45 C.F.R., part 74 and Federal Office of
26 Management and Budget Circulars A-87 and A-122 and based on an
27 annual cost allocation study of each depository. The
28 depositories shall submit directly, or through the Florida
29 Association of Court Clerks, claims for Title IV-D
30 expenditures monthly to the department in a standardized
31 format as prescribed by the department. The Florida

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1 Association of Court Clerks shall contract with a certified
2 public accounting firm, selected by the Florida Association of
3 Court Clerks and the department, to audit and certify
4 quarterly to the department all claims for expenditures
5 submitted by the depositories for Title IV-D reimbursement.

6 (g) Upon termination of the contracts between the
7 department and the Florida Association of Court Clerks or the
8 depositories, the Florida Association of Court Clerks, its
9 agents, and the depositories shall assist the department in
10 making an orderly transition to a private vendor.

11 (h) Interest on late payment by the department shall
12 be in accordance with s. 215.422.

13
14 If either the department or the Florida Association of Court
15 Clerks objects to a term of the standard cooperative agreement
16 or contract specified in subsections (2) and (3), the disputed
17 term or terms shall be presented jointly by the parties to the
18 Attorney General or the Attorney General's designee, who shall
19 act as special master. The special master shall resolve the
20 dispute in writing within 10 days. The resolution of a dispute
21 by the special master is binding on the department and the
22 Florida Association of Court Clerks.

23 (5) PERFORMANCE REVIEWS.--As provided by this
24 subsection, the Office of Program Policy Analysis and
25 Government Accountability shall conduct comprehensive
26 performance reviews of the State Disbursement Unit and State
27 Case Registry. In addition to the requirements of chapter 11,
28 the review must include, but not be limited to, an analysis of
29 state and federal requirements, the effectiveness of the
30 current system in meeting those requirements; a cost analysis
31 of the State Disbursement Unit and the non-Title IV-D

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1 component of the State Case Registry; a review and comparison
2 of available alternative methodologies as utilized by other
3 states; and a review of all strategies, including
4 privatization, to increase the efficiency and cost
5 effectiveness of the State Disbursement Unit and the non-Title
6 IV-D component of the State Case Registry. A review must be
7 completed and a written report submitted to the Governor,
8 President of the Senate, and the Speaker of the House of
9 Representatives by October 1, 1999, pertaining to the State
10 Case Registry and October 1, 2000, pertaining to the State
11 Disbursement Unit, and every 2 years thereafter beginning
12 October 1, 2002, pertaining to both the State Case Registry
13 and the State Disbursement Unit.

14 (6) CONTRACT TERMINATION.--If any of the following
15 events occur, the department may discontinue its plans to
16 contract, or terminate its contract, with the Florida
17 Association of Court Clerks and the depositories upon 30 days'
18 written notice by the department and may, through competitive
19 bidding, procure services from a private vendor to perform
20 functions necessary for the department to operate the State
21 Disbursement Unit and the non-Title IV-D component of the
22 State Case Registry with a minimum amount of disruption in
23 service to the children and citizens of the state:

24 (a) Receipt by the department of final notice by the
25 United States Secretary of Health and Human Services or the
26 secretary's designee that the contractual arrangement between
27 the department, the Florida Association of Court Clerks, and
28 the depositories, does not satisfy federal requirements for a
29 State Disbursement Unit or a State Case Registry and that the
30 state's Title IV-D State Plan will not be approved, or that
31 federal Title IV-D funding is not made available to fund the

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1 non-Title IV-D component of the State Case Registry or the
2 State Disbursement Unit;

3 (b) The Florida Association of Court Clerks, a
4 depository or any subcontractor fails to comply with any
5 material contractual term or state or federal requirement;

6 (c) The non-Title IV-D component of the State Case
7 Registry is not established and operational, consistent with
8 the terms of the contract, by October 1, 1998; or

9 (d) The State Disbursement Unit is not established and
10 operational, consistent with the terms of the contract, by
11 October 1, 1999.

12

13 If either event specified in paragraph (a) occurs, the
14 depositories are relieved of all responsibilities and duties
15 under this chapter relating to Title IV-D payment processing
16 and data transmission to the department.

17 (7) PARTICIPATION BY DEPOSITORIES.--

18 (a) Each depository shall participate in the non-Title
19 IV-D component of the State Case Registry by using an
20 automated system compatible with the department's automated
21 child support enforcement system.

22 (b) For participation in the State Disbursement Unit,
23 each depository shall:

24 1. Use the CLERC System;

25 2. Receive electronically and record payment
26 information from the State Disbursement Unit for each support
27 order entered by the court.

28 (8) TITLE IV-D PROGRAM INCOME.--Pursuant to 45 C.F.R.
29 s. 304.50, all transaction fees and interest income realized
30 by the State Disbursement Unit constitute and must be reported
31 as program income under federal law and must be transmitted to

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1 the Title IV-D agency for deposit in the Child Support
2 Enforcement Application and Program Revenue Trust Fund.

3 (9) PENALTIES.--All depositories must participate in
4 the State Disbursement Unit and the non-Title IV-D component
5 of the State Case Registry as provided in this chapter. If a
6 depository fails to comply with this requirement or with any
7 material contractual term or other state or federal
8 requirement, the failure constitutes misfeasance which
9 subjects the county officer or officers responsible for the
10 depository to suspension under Article IV of the State
11 Constitution. The department shall report any continuing acts
12 of misfeasance by a depository to the Governor and Cabinet,
13 and to the Florida Association of Court Clerks.

14 (10) WITHHOLDING PAYMENT UNDER CONTRACTS.--If the
15 Florida Association of Court Clerks, its agent, a
16 subcontractor, or a depository does not comply with any
17 material contractual term or state or federal requirement, the
18 department may withhold funds otherwise due under the
19 individual contract with the Florida Association of Court
20 Clerks or the individual cooperative agreement with the
21 depository, or both, at the department's election, to enforce
22 compliance. The department shall provide written notice of
23 noncompliance before withholding funds. Within 10 business
24 days after receipt of written notification of noncompliance,
25 the department must be provided with a written proposed
26 corrective action plan. Within 10 business days after receipt
27 of a corrective action plan, the department shall accept the
28 plan or allow 5 business days within which a revised plan may
29 be submitted. Upon the department's acceptance of a corrective
30 action plan, the agreed-upon plan must be fully completed
31 within 30 business days unless a longer period is permitted by

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1 the department. If a proposed corrective action plan is not
 2 submitted, is not accepted, or is not fully completed, any
 3 funds withheld by the department for noncompliance are
 4 forfeited to the department. Withholding or forfeiture of
 5 funds may be contested by filing a petition or request for a
 6 hearing under the applicable provisions of chapter 120. For
 7 the purposes of this section, no party to a dispute involving
 8 less than \$5,000 in withheld or forfeited funds is deemed to
 9 be substantially affected by the dispute or to have a
 10 substantial interest in the decision resolving the dispute.

11 Section 45. Subsection (1) and paragraph (b) of
 12 subsection (2) of section 382.013, Florida Statutes, as
 13 amended by chapter 97-170, Laws of Florida, is hereby
 14 repealed.

15 Section 46. This act shall take effect July 1, 1998,
 16 except that section 1 shall take effect October 1, 1998.

17
 18

19 ===== T I T L E A M E N D M E N T =====

20 And the title is amended as follows:

21 On page 6, line 18, through page 7, line 19, delete
 22 those lines

23

24 and insert:

25 A bill to be entitled
 26 An act relating to social welfare; providing
 27 legislative intent and findings; providing for
 28 demonstration projects to be implemented which
 29 require drug screening and possibly drug
 30 testing for individuals who apply for temporary
 31 assistance or services under the "Work and Gain

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1 Economic Self-sufficiency (WAGES) Act";
2 providing for expiration of the demonstration
3 projects unless reauthorized by the
4 Legislature; directing the Department of
5 Children and Family Services to implement the
6 demonstration projects in specified local WAGES
7 coalitions; requiring certain notice; providing
8 procedures for screening, testing, retesting,
9 and appeal of test results; providing for
10 notice of local substance abuse programs;
11 providing that, if a parent is deemed
12 ineligible due to a failure of a drug test, the
13 eligibility of the children of the parent will
14 not be affected; requiring the department to
15 provide for substance abuse treatment programs
16 for certain persons; giving the Department of
17 Children and Family Services rulemaking
18 authority; specifying circumstances resulting
19 in termination of temporary assistance or
20 services; requiring the department and the
21 local WAGES coalitions to evaluate the
22 demonstration projects and report to the WAGES
23 Program State Board of Directors and the
24 Legislature; providing that, in the event of
25 conflict, federal requirements and regulations
26 control; amending s. 61.13, F.S.; requiring
27 child support orders to apportion certain
28 medical expenses; providing requirements for
29 notice and service of process; amending s.
30 61.1301, F.S.; revising provisions relating to
31 income deduction orders and notices; amending

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1 s. 61.181, F.S.; requiring evaluation of
2 certain child support enforcement demonstration
3 projects; requiring a report; amending s.
4 61.30, F.S.; requiring certain information to
5 accompany child support determinations;
6 providing a limitation on retroactive awards;
7 amending s. 69.041, F.S.; authorizing
8 Department of Revenue participation in mortgage
9 foreclosures based upon interests in a child
10 support lien; amending ss. 319.24 and 409.2575,
11 F.S.; authorizing the director of the state
12 child support enforcement program to delegate
13 certain responsibilities with respect to motor
14 vehicle liens; amending s. 319.32, F.S.;
15 providing a fee for motor vehicle liens;
16 amending ss. 372.561 and 372.57, F.S.;
17 requiring applicants for certain game and
18 freshwater fish licenses to provide social
19 security numbers; amending s. 372.574, F.S.;
20 providing for confidentiality of records
21 contained in records of subagents; amending s.
22 382.008, F.S.; requiring death and fetal death
23 registrations to include social security
24 numbers, if available; restricting use of such
25 numbers; amending s. 382.013, F.S.; providing
26 for certain use of birth registration
27 information; providing certain notice relating
28 to paternity affidavits; amending s. 409.2557,
29 F.S.; providing specific rulemaking authority;
30 creating s. 409.2558, F.S.; providing for the
31 department's distribution and disbursement of

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1 child support payments; creating s. 409.2559,
2 F.S.; providing for establishment of a state
3 disbursement unit; amending s. 409.2561, F.S.,
4 relating to child support obligations when
5 public assistance is paid; amending s.
6 409.2564, F.S., relating to subpoenas in child
7 support actions; providing for challenges;
8 providing for enforcement; providing for fines;
9 amending s. 409.25641, F.S.; providing for
10 processing of automated administrative
11 enforcement requests; creating s. 409.25658,
12 F.S.; providing for use of certain unclaimed
13 property for past-due child support; providing
14 duties of the department and the Department of
15 Banking and Finance; providing for notice and
16 hearings; amending ss. 409.2567, 409.2578, and
17 443.051, F.S.; correcting and conforming
18 references; amending ss. 409.2572, 414.095, and
19 414.32, F.S.; providing for determinations of
20 good cause for failure to cooperate with the
21 child support enforcement agency; amending ss.
22 409.2576 and 455.213, F.S.; clarifying
23 conditions for disclosure of social security
24 numbers; amending s. 409.2579, F.S.; revising
25 provisions which limit or prohibit disclosure
26 of the identity and whereabouts of certain
27 persons; providing a penalty; amending s.
28 443.1715, F.S., relating to disclosure of wage
29 and unemployment compensation information;
30 amending s. 741.04, F.S., relating to
31 information required for issuance of a marriage

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1 license; amending s. 742.032, F.S., relating to
2 requirements for notice and service of process;
3 amending s. 61.14, F.S.; prohibiting deductions
4 by local depositories for certain costs and
5 fees until the total due the obligee has been
6 paid; amending s. 61.046, F.S.; revising
7 definitions; amending s. 61.181, F.S.;

8 providing for processing of certain central
9 depository payments through the Department of
10 Revenue's State Disbursement Unit; continuing a
11 fee through a specified date; providing for the
12 use of funds; creating s. 61.1824, F.S.;

13 providing for a State Disbursement Unit;
14 providing responsibilities; creating s.
15 61.1825, F.S.; providing for operation of a
16 State Case Registry; providing requirements;
17 creating s. 61.1826, F.S.; providing
18 legislative findings; providing for department
19 cooperative agreements and contracts for
20 operation of the State Disbursement Unit and
21 the non-Title IV-D component of the State Case
22 Registry; providing contract requirements;
23 providing for performance reviews; requiring a
24 report; providing for termination of contracts
25 under specified conditions; providing for
26 report of program income; providing penalties;
27 authorizing the department to withhold funds
28 for noncompliance with contractual terms;
29 requiring notice; providing for a corrective
30 action plan; repealing s. 382.013(1) and
31 (2)(b), F.S., as amended by ch. 97-170, Laws of

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1 Florida, to clarify legislative intent with
2 respect to conflicting enactments; providing
3 effective dates.
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